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ABSTRACT

This study uses an adaptation of the Illuminative Evaluation method in examining experiential learning through a case study of its application in practical legal training. The study's prime focus is on the experiential learning method known as the "current matter" process as conducted by the College of Law, Sydney (Australia). This teaching method is described, then examined as a method of simulating actual occurrences within legal practice. The study's report also identifies problems associated with a holistic approach to research and provides insight into the nature of postgraduate law students in New South Wales and their adaptation to experiential learning in relation to legal matters. Finally, the study offers an effective working definition of experiential learning. Besides an evaluation of the appropriateness of experiential learning within this academic course, evaluation results are also presented in terms of student motivation; their attitudes to employment, competence, and learning; and improvements in student learning. Appendices include selected materials involved in the implementation of the research project including the student entry profile questionnaire, examples of students' tests and individual student results, and a sample of the research questionnaire. Contains 81 references. (GLR)

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AN EVALUATION OF EXPERIENTIAL TEACHING/LEARNING METHODS - IN A PROFESSIONAL LEGAL TRAINING COURSE

by

Sylvester Ronald Downs
Dip. Laws (SAB).

Research conducted at The
College of Law, Sydney.

A Thesis submitted to Macquarie University in partial fulfilment of the requirements for the Degree of Master of Arts (Hons.) in the School of Education.

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TABLE OF CONTENTS

Page

List of Tables. x

List of Figures. xii

Abstract. xiii

Certificate. xv

Acknowledgements. xvi

Chapter One: Setting and Orientation of the Study.

1.1 Study Topic and Purpose. 1

1.2 Location for the Study and the Course. 2

1.3 The Current Matter Process. 3

 1.3.1 The Learning Process 5

1.4 Evaluation Need. 7

1.5 Significance of the Study. 8

1.6 The Building and Environment. 9

Chapter Two: Experiential Learning.

2.1 Experiential Learning Definition. 12

2.2 Development of a Theory. 15

2.3 Further More Recent Developments and Implications for this Evaluative Research Project. 26

Chapter Three: Choice of Methodology - Illuminative Evaluation Method.

3.1 Weaknesses of the Objectives - Based Model. 40

3.2 Relevance of the Method and Nature of this Evaluation. 43

3.3 The Theory of Illuminative Evaluation. 46

3.4 Methodology of Illuminative Evaluation. 50

  3.4.1 Development of Illuminative Method. 55

3.5 Conclusions. 59

Chapter Four: Research Methodology.

4.1 Purpose and Objectives. 61

4.2 General Plan of Investigation. 64

  4.2.1 The Population. 64

  4.2.2 The Sample. 64

  4.2.3 Variables. 65

4.3 Need for Illumination. 66

4.4 Sources and Collection of Data. 67

  4.4.1 Student Entry Data. 69

  4.4.2 Measure of Student Learning. 69

  4.4.3 Student Motivation and Attitudes. 70

  4.4.4 Class/Group Observation. 71

  4.4.5 Triangulation and Verification of Data - Additional Data. 75

4.5 Selection and Structure of Groups - Current Matter Streams 75

4.6 Precautions as to Reliability and Validity. 78

4.7 Ethical Considerations. 80

4.8 The Researcher. 81

Page

Chapter Five: Student Entry Profiles.

5.1 The Nature of the Data. 87

5.2 The Sample and Population. 89

5.3 Age. 93

5.4 Sex. 94

5.5 Institution from which Legal Qualification was Gained. 94

5.6 Academic Results. 94

5.7 Nature of Prior Course - Academic Qualifications. 95

5.8 Prior Work Experience. 96

  5.8.1 Legal Work Experience. 96

  5.8.2 Non-legal Work Experience. 98

  5.8.3 Work Experience/Institution. 99

  5.8.4 General Comments and Conclusions Concerning Work Experience. 100

5.9 Summary. 101

Page

Chapter Six: Measurement and Analysis of Student Learning.

6.1 Setting the Tests. 104

6.2 Conducting the Tests. 109

6.3 Test Results. 111

  6.3.1 Individual and Group Comparisons. 111

  6.3.2 Comparison Between Institutions. 117

  6.3.3 Comparisons According to Sex. 119

  6.3.4 Comparisons According to Age Group. 121

  6.3.5 Comparisons According to Academic Achievement. 122

  6.3.6 Comparisons with Prior Legal Work Experience. 123

6.4 Illuminative Summary. 124

6.5 Implications for Experiential Learning. 126

Chapter Seven: Data Collection and Analyses of Student Motivation, Attitudes To Employment and Competence.

7.1 Preparation of Questionnaire. 129

7.2 Administering the Questionnaire. 130

7.3 The Interviews. 131

7.4 Method of Analysis. 133

7.5 Presentation of Data - Response Themes. 135

  7.5.1 Plan of Presentation. 135

  7.5.2 Reporting of Responses. 137

7.6 Summary of Rated Responses. 139

7.7 Student Motivation. 140

  7.7.1 Motivational Means and The Effect of an Arbitration In Litigation. 140

  7.7.2 Themes of Student Responses Generally - Reasons for Levels of Motivation. 144

  7.7.3 Student Perceptions of College Course Before and After Commencement. 147

7.8 Preferred Employment - Satisfaction - Preferred Area of Work. 148

7.9 Student Perceived Competence. 153

7.10 Illuminative Summary and Implications for Experiential Learning. 156

  7.10.1 Motivation. 157

  7.10.2 Employment. 159

  7.10.3 Competence. 160

Page

Chapter Eight : Student Attitudes to Learning.

8.1 Environmental Effects. 162

8.2 Simulation - Student Acceptance. 165

8.3 Tasks or Research - Student Preference. 169

8.4 Comparisons for Mature Age Students. 171

8.5 Student General Responses. 172

8.5.1 Responses Relating to The College Course. 172

8.5.2 Responses Relating to The College Generally. 173

8.6 Relationship to Academic Learning. 174

8.7 Summary of Interview Questions and Responses. 175

8.7.1 Group Room Environment. 176

8.7.2 Academic Training and Course Test Results. 176

8.7.3 Instructor Effect on Motivation. 178

8.7.4 Contracted Current Matters. 179

8.7.5 Course Materials - Optimum Source of Learning. 180

8.8 Illuminative Summary and Implications for Experiential Learning. 183

Page

Chapter Nine : Summation, Final Conclusions and Implications.

9.1 General Comments and Student Entry Data. 187

9.2 Implications of Knowledge Acquisition. 190

- 9.2.1 General Implications. 190
- 9.2.2 Results for Female Students. 193
- 9.2.3 Academic Achievement and Motivation. 194
- 9.2.4 Mature Age Students. 195
- 9.2.5 Prior Legal Experience. 195

9.3 Student Motivation. 196

9.4 Student General Attitudes and Perceptions. 202

9.5 Students and Experiential Learning. 203

9.6 Implications for Courses Adopting Experiential Learning - Classroom Limitations. 208

9.7 Research Problems. 214

REFERENCES 216

APPENDICES

Appendix A : Plan of Group Room Showing Observer Location. 227

Appendix B : Points to Make on Introduction - Research Project. 228

Appendix C : Student Entry Profile. 229

Appendix D : Application for Admission to Course. 230

Appendix E : Real Property Test. 232

Appendix F : Civil Litigation Test. 237

Appendix G : Individual Test Results. 240

Appendix H : Questionnaire. 244

Appendix I : Interview Questions. 250

Appendix J : Summaries of Student Responses to Selected Questions. 251

Appendix K : Student Profile Tables. 263

Table 1 : Student Age Groups and Summary.

Table 2 : Student Numbers According to Sex.

Table 3 : Student Numbers According to Institution

Table 4 : Academic Results in Law and Law Related Subjects.

Table 5 : Academic Results Summary.

Table 6 : Academic Qualifications.

Table 7 : Prior Legal Experience According to Institution.

Table 8 : Prior Non-Legal Experience According to Institution.

LIST OF TABLES

Page

Table

(Student Profile Tables - Vide Appendix K)

5.1 Categories of Prior Legal Experience - Student Numbers. 96
5.2 Categories of Prior Non-Legal Experience - Student Numbers. 98
6.1 Summary of the Gain Scores for All Students, for All Real Estate and All Litigation Students with Comparisons. 112
6.2 Test Scores According to Group. 115
6.3 Summaries of Scores According to Institution. 118
6.4 Scores According to Sex and Summary for Interpretation of Analysis of Variance. 120
6.5 Scores According to Age Group. 121
6.6 Scores According to Categories of Prior Legal Work Experience. 123
7.1 Means and Standard Deviations for Rated Responses. 139
7.2 Mean Group Ratings of Student Motivation Levels. 141
7.3 Male/Female Ratings for Motivation Before and During Course. 143
7.4 Students Preferred Areas of Work. 151

Page

8.1 Summary of Student Responses According to Categories and to Institutions. 175

8.2 Group Responses as to Sources of Learning. 180

9.1 Mean Test Results and Scores for Those With and Those Without Prior Legal Experience. 196

LIST OF FIGURES

Figure Page

2.1 The Experiential Learning Model. 17

4.1 Data Collection Techniques In Chronological Clockwise Order. 68

4.2 Streams and Phases of Course Showing Identification of Current Matters (C.M.) and Student Groups. 78

Notwithstanding that throughout the long history of mankind we have been learning from experience, the development of the theory of experiential learning is still in its early stages of development. This research project accordingly aims at extending our knowledge in respect of this theory, particularly in the area of experiential learning in the classroom where the actual experience is simulated.

An adaptation of the Illuminative Evaluation method is used for the purposes of this evaluation, which is both qualitative and quantitative in nature. The practical legal training course that is the main subject of the research, appears to be unique in the legal profession within the British Commonwealth and the United States. It is this uniqueness that provides the stimulus for such an evaluation, that extends knowledge of the experiential learning method in legal training.

The study identifies problems associated with a holistic approach to research, notwithstanding that such an approach is supported. It provides insight into the nature of post-graduate law students in New South Wales and their adaptation to experiential learning in relation to legal matters, such as will be conducted by them in practice. The particular instrument adapted for teaching in the course, namely the "Current Matter" and its processes is described and then researched as a method of experiencing actual occurances within legal practice.

Finally this project offers an effective working definition of "Experiential Learning" as such a definition does not appear to have been available previously. This should provide a focus for this general area of research, that presently appears to be expanding without proper limitations, notwithstanding that experiential learning in its adaptation is vast.

CERTIFICATE

I certify that the content of this thesis has not been submitted for a higher degree to any other University or Institution.

....

Sylvester Ronald Downs

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The study could not have been completed without the continuous support provided by the College of Law, both financially and in the provision of time free from other commitments. The financial assistance of Kuring-gai College of Advanced Education is also greatly appreciated.

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Those instructors from the College who willingly allowed me to enter their group rooms and to question their students, should and do receive special thanks for their support and for their acceptance of publication of material that could be sensitive to them. Regardless of the negative comments made by some students, and from which all teachers suffer at some time, it should be acknowledged that these instructors were each actively engaged with their students in a manner that would not be found in many other tertiary institutions.

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CHAPTER 1

Setting and Orientation of the Study

1.1 Study Topic and Purpose.

The purpose of this project is to conduct an evaluation of experiential learning through a case study of its application in practical legal training. The prime focus of the evaluation will be the experiential learning method known as the "current matter" process (viz.1.3), as conducted at the College of Law, Sydney. In so doing it is intended to satisfy the expressed interest of the Commonwealth Legal Education Association and its members in stimulating such research (Gold, 1987:64). This interest is shared and expressed by both the College of Law and Kuring-gai College of Advanced Education in their formal support for the research. The project also complies with the advice of the Committee of the Commonwealth Tertiary Education Commission in relation to the need for research to be undertaken by the Practical Legal Training Courses (Pearce, 1987:894:Para.20.99).

An adaptation of the illuminative evaluation method is used to provide and analyse basic data not previously available and to establish a base from which to measure and weigh evidence. The "current matter" process being based upon experiential learning as its method, enables this project to provide further meaningful evidence in this area of educational theory. This study goes far in gaining some insight into whether the current matter instruction in adopting the experiential learning method, stands on its own as a method for training solicitors and for bridging the gap between academic learning and the practice of law. The results should also be of interest to other professions currently using experiential learning such as nursing, medicine and teacher education.

1.2 Location for the study and the Course

The study is to take place at the College of Law, Sydney. The College functions as a school of Kuring-gai College of Advanced Education under an affiliation agreement with the Law Society of New South Wales (N.S.W.). It conducts a course in practical legal training, which is required to be completed as a pre-requisite to admission as a solicitor in N.S.W. and replaces the earlier articles of clerkship system. It is a pre-requisite for entry into the course that a student hold a degree or diploma in law. This course adopts the experiential learning method through the full six months of its duration.

The College of Law is located in a building which is intentionally not attached physically or otherwise to any institution providing a diploma or degree in law that qualifies towards admission as a solicitor or barrister in N.S.W. This was done partly so that the students might accept that the course is practice orientated and quite separate from any of the above academic institutions. The Law Society of New South Wales set up the College initially without government funding. At the time this research was conducted, a substantial part of the funding came from government sources through Kuring-gai College. The College of Law has its own campus which is a considerable distance from that of the Kuring-gai College campus.

The College of Law has adopted the experiential current matter process for teaching/learning since its inception in 1974. Simulation is used extensively in the course both in the conduct of the matters and in the interaction between groups. Each grouping of 4 or 5 students bears the name of a legal firm and these students are regarded as partners in that firm, except to the extent that each student completes each file and for most matters keeps an independent set of books of account. Court hearings take place before visiting Magistrates or experienced practitioners. Three firms are located within a "group room" containing 15 student desks. Each group room is allocated to a particular instructor.

1.3 The Current Matter Process.

The Current Matter is the main process adopted for teaching/learning in the course. It involves experiential learning by simulation and this has been the vehicle used in the course for at least ten years. A current matter is merely a legal matter as might be conducted in a legal office, completed in such a way as to simulate the real experience. The simulation extends for example, to lodging documents for stamping and registration and to the completion of a total file in every or at least every important respect.

The litigation matter under study proceeds to a hearing as an arbitration. Legal costs are charged and a Memorandum of Costs completed in all matters. For some current matters the associated books of account are maintained. Within the conduct of the current matter the students have a considerable degree of control over the learning experience and are largely responsible for their own learning. (Vide,Para.2.3)

The College was established to replace the articles system for students intending to become solicitors. Under that system students were articled to solicitors initially for a period of 5 years, but this period was ultimately reduced to 1 year post graduate articles. The articles system was seen as inadequate and a need for standardized institutional training became evident. With this in mind it was decided to faithfully reproduce by simulation the work done in and through a legal practice. Whilst the current matter remains, the emphasis upon faithful simulation has declined in the interests of what has been thought to be better teaching/learning methods. An example of this is the adoption of block teaching methods disregarding the earlier mix of current matters that simulates practice. Essentially now only one current matter is completed at any one time. The course is divided into two equal segments of two phases each. The students will complete property/commercial work in one segment and litigation in the other. Half the students will be involved in the litigation section and half in the other section at any one time. The current matters which are the subject of this research are a real estate transaction and a civil litigation matter. Each student will accordingly be completing two current matters in each segment of the course involving acting respectively on a sale and purchase of a dwelling or two such matters acting respectively for a plaintiff and for a defendant in a motor vehicle damage claim. These are four only of a number of current matters completed by the students.

1.3.1 The Learning Process

The students learn substantially from experiencing each step in a matter as would be the case in practice. They are issued with a "Students Set" that sets out each step that a solicitor acting for one party in a matter would take and then each step the solicitor for the other party would take. They are required to work through each of these steps. In a real estate current matter for example the solicitor for the purchaser completes an instruction sheet that records the client's instructions that are provided separately and in a form that simulates a real summary of a client interview. The next step would be to obtain some money on account of costs and disbursements and this involves writing a client cheque for the amount and then completing the necessary receipt and other books of account to fully record this receipt. The cheque is also banked at a simulated bank on another floor of the building. Ultimately at the end of a month a bank statement issues.

The students are assisted in carrying out each step by regular and continuing instruction and assessment of written work by an instructor, supported by the Students Set and "Practice Papers" that explain the steps to be taken and the effect of the law in relation to these.

In addition to assessment of the written work, instructors are required to check understanding by questioning during and/or at the end of the current matter. There is also some testing in the course such as through examinations and vivas conducted by visiting practitioners.

Accordingly the cognitive learning gained by the students in their substantive law courses, supported by the instructor and the practice papers enable the students to apply their cognitive learning by doing all or most things necessary to use that knowledge in a practical application. Each step builds upon the other so that, for example, again in the real estate current matter, a student (solicitor) acting for a vendor can conduct ultimately the final settlement of a real estate sale and purchase, with another student (solicitor) acting for the purchaser.

The learning process is, accordingly, truly experiential albeit by simulation. (Vide Chapter 2) There are three legal firms in each group room as described in paragraph 1.2 and the students work in their group rooms for five or so hours per day.

The effectiveness or otherwise of this particular experiential learning process is looked at in this project through such effects as motivation, perceived competence, the environment and course processes. An attempt is also made to assess the quantity of learning taking place and the link between student attributes, prior learning and prior work experience to the learning taking place in this course. (Vide Chapter 4) To the above ends an adaptation of the illuminative evaluation method is utilized. (Vide Chapter 3)

1.4 Evaluation Need.

The course and in particular the current matter process as conducted at the College has not been systematically evaluated. In fact it is apparent that little or no research has been conducted concerning the general effectiveness of this experiential learning method as a process of instruction.

There is interest in such evaluation and in research within the area of practical legal training (Vide, Para.1.1.). Experiential Learning is also of considerable interest in this State and beyond to educators and more particularly those involved in adult education. This was clearly evidenced by the significant number of educators (exceeding 450), attending the second International Conference On Experiential Learning, held at The University of Western Sydney, Richmond Campus, in July 1989. At least 25% of the registrants in residence (i.e.305) were from other countries.

The experiential training method was adopted for the college by simulating articles of clerkship for new solicitors. It was these articles that the College was set up to replace. Any changes in the course thus far have been anecdotal or dictated by changes in the nature of legal practice. It is important that the college base further changes upon properly conducted research. This research aims to provide important data not previously available and to identify problem areas such as those related to student motivation.

1.5 Significance of the Study

This research is significant, firstly to the College of Law and the other Australian courses (Victoria, South Australia and Queensland) where the current matter process is a feature and secondly to overseas courses where the experiential learning method is adopted. It should also be of interest to those considering its adoption and to all those whose interest lies in learning from experience. The interest of overseas courses is testified by the expressed interest of the Commonwealth Legal Education Association in research (Vide, Para.1.1.) and in particular an approach by the Canadian executive committee member of that association initially to the College of Law and then to this researcher in relation to the conduct of this type of research. The Northern American interest in The College of Law and its processes has been a feature of recent legal education conferences held in Washington and New York respectively.

The significance of this research for educational theory lies firstly in the manner in which the illuminative evaluation method is adapted and developed and secondly in the in-depth study of a significant application of the experiential learning method. It will also assist those interested in professional courses throughout the world to understand the structure and unique methods adopted in the Sydney course.

It is to be hoped that this research in the area of professional legal education will help advance the learning process in the discipline and stimulate further research. Depending on the ultimate results, other courses may change their educational practices in favour of the current matter process and scientific theory and method will be exhibited and related to a new field for research endeavour. It is reasonable to anticipate publication of the research findings at least in the Australian "Journal of Professional Legal Education", which has in a short period established a significant overseas distribution.

1.6 The Building and Environment.

In keeping with the nature of qualitative research and because of the effect of the building upon students and their expressed views, something should be stated early as to the nature of the building in which the course is conducted. Students will be queried as to their attitude towards the environment as this may well affect student motivation.

The building which was completed in 1974, is located near to a railway station in a northern suburb of Sydney in what is becoming a substantial commercial office area. It consists of a ground floor with four upper floors. The student canteen and common room are located on the ground floor as is also the main lecture hall and building manager's office. Above this on the first floor is located the total administration and printing facilities, board room and staff common room. This floor is shared with the Continuing Legal Education arm of the College, which provides courses for practitioners. Continuing education for practising solicitors is now mandatory in N.S.W.

The remaining three upper floors are set aside for student group rooms, instructors rooms and an attractive light court which is located in the near central part of the third and fourth floors. As indicated earlier each group room contains approximately 15 student desks is made up of three named legal offices. The library which is orientated towards practice, is located on the second floor. One wall of the building on which is located a number of the student group rooms, contains no windows on any level. In the centre core on each of the three upper floors is located two fully established court rooms. The main hall is also available for use as a Court as is any unused student group room.

The specific issues to be addressed in this research project are covered in Chapter 4.

CHAPTER 2

Experiential Learning.

2.1 Experiential Learning Definition.

An initial problem in this research project was the apparent need to provide a concise working definition of the subject under study. The International Dictionary of Education (Page & Thomas, 1977:128) describes experiential learning as "Knowledge acquired from experience of work and life as against formal academic study." This description refers to experiential learning as being related to life experience credits. The Concise Dictionary of Education (Hawes & Hawes, 1982:83) deals with the subject descriptively and not by definition as such. The International Encyclopedia of Education (Melamed, 1985:1798) is also mostly descriptive and merely refers to experiential learning as "Learning as a result of direct experience". The most productive attempt towards a definition was that of Boud & Pascoe (1978:1). It was their recognition of the need for the "whole person" to be involved that assisted greatly with the definition of this researcher as follows -

> Learning that involves the whole person (Boud & Pascoe, 1978:1) in experiencing by simulation or in a real setting, that which is done or happens in the real world.

This definition needs to be broken up into its constituent parts and analysed, if its full meaning is to be evidenced.

"Learning" in the above sense involves more than the mere gaining of knowledge through information assimilation, but does not necessarily extend as far as acquiring a facility in action or skill.

Involving "the whole person" (Boud & Pascoe, 1978:1) indicates that the person is not solely intellectually involved, but more fully engaged involving the affective and/or psychomotor domain(s). A.W.Chickering (1976:63) explains "...experiential learning may result from attendance at a lecture, but the learning would be that resulting from living through the event with its attendant joy or suffering, and not simply from the content of the lecture, though this is clearly part of the event."

"Experiencing" is used with the meaning: Actually participating in or making direct contact with.

It is intended that the experience could involve practical acquaintance with an event by direct involvement or by observation.

"Simulation" is used in the sense of imitating a real occurrence with a model for learning purposes, as opposed to experiencing it in the actual real setting and environment. It provides a more limited version of the real world. "Real world" is used to convey the actual world of work or play essentially outside the contrived or simulated setting for learning experience.

Experiential education is not a new notion as evidenced by Duley & Permaul (1984:18) who record an ancient proverb that is also recorded by Kolb, Rubin & McIntyre (1984:1), "I hear and I forget; I see and I remember; I do and I understand." Duley & Permaul also refer to Aristotle, in his opening chapter of Nicomachean Ethics as having written "For all the things we have to learn before we can do them, we learn by doing them." Boud also points to the fact that whilst the term "experiential education" is fairly new in a modern context, it nevertheless represents a recognition of an idea as old as education itself: active engagement in what is to be learned is a much more powerful tool for learning than indirect or vicarious experience. (Boud & Pascoe, 1978: Preface).

"Experiential Learning" is seen as a new orientation to the perennial question of what makes an effective learning experience. It follows many respected learning theorists such as Piaget and Bruner. (Boud & Pascoe, 1978:1). Examples of experiential learning include older concepts such as laboratory training and on the job training and newer concepts such as role plays and games. A more recent innovation is the course under study. The term is used by some as being synonymous with learning by doing. It is more than cognitive learning, involving more of the person and added processes.

2.2 DEVELOPMENT OF A THEORY.

This study essentially will be limited to the more recent developments with regard to experiential learning as such, rather than considering it as part of a long history of learning from experience as seen by Houle (1976:19). A movement was evident as early as in the mid-nineteenth century, as a means of redressing the balance between abstract learning and practical experience. Laboratory sciences, applied studies and clinical experience were introduced into the academic setting. Early in this century "co-operative education", involving various forms of off-campus experiences, was initiated as an innovation to complement classroom learning. (Melamed, 1985:1797). An example of this was to be found in the School of Engineering of the University of Cincinnati in which students spent alternative terms in class and at work. (Duley & Permaul, 1984:18). (The College of Law itself conducts a small co-operative course today involving six weeks instruction, six months work in law or law related employment, four weeks further instruction, an added six months in such employment and then four weeks final instruction). Co-operative education grew, such that by 1977, 1054 Colleges and Universities had this form of education programme alone. (Brown & Wilson, 1976 cited by Duley & Permaul, 1984:19). John Dewey in 1939 in a short work entitled "Experience and Education", had urged all sources of experience to be added to traditional forms of education and he suggested an intellectual method for affirming such learning. Kolb (1984:5) sees Dewey's work as best articulating, the guiding principles for programmes of experiential learning in higher education. Whilst experiential learning may have once implied an either/or dichotomy as against traditional methods, researchers are now accepting Dewey and seeing them as a whole. (Husen et al, 1985:1797) Kolb & Fry's work is an example of this. It has been argued that an understanding of problem solving and "academic learning" can be enhanced by viewing both processes as specialized modifications of a single more holistic adaptive process of learning from experience. (Kolb et al, 1984:151)

In 1975 Kolb & Fry published their paper, written in 1972, that worked towards an applied theory of experiential learning. The paper adopts and expands Lewin's experiential learning model. This model suggests a progression from concrete experience, to observations and reflections, to formation of abstract concepts and generalizations, to testing implications of concepts in new situations and finally linking up again with concrete experience. (Fig. 2.1) This learning cycle is continuously recurring. (Kolb, Rubin & McIntyre, 1984:32).

Figure 2.1

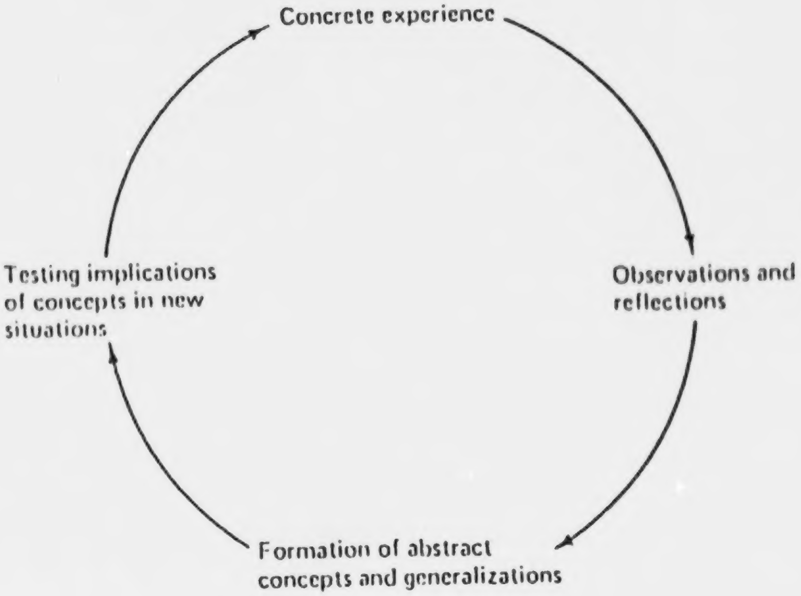

Concrete experience
Observations and reflections
Formation of abstract concepts and generalizations
Testing implications of concepts in new situations

Figure 2.1 The Experiential Learning Model.

Kolb & Fry (1975:34) suggest that the reason why there has been relatively little scientific research directed towards understanding the dynamics of the learning process from this perspective, is the practical face validity of the experiential learning model. Lewis (1986:16) refers to cognitive research confirming that knowledge learned without conceptual undertstanding or functional application to problems, is either forgotten or remains inert when it is needed in situations that differ from ones in which the knowledge was acquired.

This supports Kolb & Fry's cycle of learning. Boud et al (1985:13) point out that Kolb does not discuss the stage of observaton and reflection in the learning model (Figure 2.1). (This is developed further at the end of Para.2.3).

The Learning Style Inventory (LSI) and grid was developed by Kolb & Fry (1975:37) in working towards an applied theory of experiential learning and it was designed to measure an individual's strengths and weaknesses as a learner based upon the Experiential Learning Model (Fig.2.1.). This grid has been further developed later, but its construction is not described in adequate detail (Kolb, Rubin & McIntyre, 1984:36 and Kolb, 1984: 67 et seq.). The measurement is of an individual's relative emphasis on the four learning abilities namely : Concrete Experience (CE), Reflective Observation (RO), Abstract Conceptualization (AC) and Active Experimentation (AE).

The LSI requires a respondent to rank-order, several different times, four words that describe the above abilities. For example one set of words is, Feeling - Watching - Thinking - Doing. These are scored as CE, RO, AC & AE respectively. There are two other combination scores namely (AC - CE) to indicate the extent to which an individual emphasized abstractness over concretedness and (AE - RO) to indicate the extent to which an individual emphasizes active experimentation over reflection. The LSI was administered to 800 managers and graduate students in management to obtain norms for the management population. In general, managers tendered to emphasize active experimentation (AE) over reflective observation (RO) and in addition those with degrees tended to rate their abstract (AC) learning skills higher. Kolb & Fry (1975:38) were able to identify four statistically prevalent types of learning styles. The four different styles they called, The Converger, the Diverger, the Assimilator and the Accommodator. The above research is interesting as an example of the application of the LSI. Whilst not directly part of this project, the LSI could be applied to practitioners or to students entering a professional or other course in order to determine preferred learning styles.

There is some difficulty encountered in validating the above findings in that particulars as to selection and nature of the sample and the actual findings are not reported, but on the basis purely of logically anticipated outcomes, the findings might be expected.

Kolb & Fry proceed further by looking at the "correspondence" between the LSI scores and undergraduate majors. The average LSI scores for managers (i.e. 10 or more with the same major) who reported their undergraduate majors were plotted. The distribution of undergraduate majors on the learning style grid was found to be consistent with their theory. Kolb & Fry (1975:39) assert that the data show that one's undergraduate education is a major factor in the development of the learning style.

In a cautionary footnote, one finds that the sample did not consist fully of "managers" but also "managers-to-be". Some were still in graduate school. They acknowledge that the facts should produce learning styles that are somewhat more active and abstract than the population at large. It is also acknowledged that the undergraduate majors are described only in the most gross terms as there are many forms and a business major at one school can be quite different than that of another. The LSI does not appear to have been truly effective in this instance.

Difficulties might be expected in any application of the LSI in a course such as that under study. Future lawyers range from those whose interest is Roman Law to those whose interest is commercial law or taxation. Some will prefer to work in an Accountant's practice than in that of a lawyer. The LSI does appear to have its weaknesses and limitations. It has not been adopted for the subject course.

In developing the experiential learning model (Vide Fig.2.1) Kolb & Fry (1975:41) theorize that how one learns, is a major determinant of personal development. The model is seen as a means of mapping these different developmental paths. The human growth process, as they saw it, is divided into three broad developmental stages - Acquisition, Specialization and Integration. The process is marked by increasing complexity and relativism in dealing with the world and ones own experiences. Higher level integrations of the dialectic conflicts between the four adaptive modes (i.e. the four learning abilities referred to above) take place.

Each mode is associated with a major dimension of personal growth which are respectively: affective complexity, perceptual complexity, symbolic complexity and behavioural complexity. The hallmarks of true creativity and growth are seen by Kolb & Fry (1975:42) as being complexity and the integration of dialectic conflicts.

It should be clarified, at this stage, that whilst Kolb & Fry describe the completed experiential learning model as progressing to experimentation or the testing of implications of concepts in new situations, this is not seen by this researcher as a necessary ingredient in the definition of experiential learning as set out in this thesis. This stage may well be a necessary stage in the cycle when defining the process, but is not seen by this researcher as an ingredient in the act of learning by experience as such and as defined in paragraph 2.1. Without it the benefit of the experience may, of course, soon be lost or remain inert. (Vide, Lewis (1986:16) referred to earlier in this section). The experimentation stage is not only a progression in the cycle but also a reinforcement of the learning that has taken place thus far.

The same observation cannot be made as regards the earlier stage in the experiential learning model i.e. formation of abstract concepts and generalizations (Vide Fig.2.1), in that if the affective and/or psychomotor domain is to be involved as suggested in this researcher's definition of experiential learning, then this appears to incorporate at least some notion of this stage. In forming concepts and generalizations one would often call upon feelings or prior action.

Kolb & Fry (1975:52-55) also address some of the issues involved in the design of learning environments. A survey they conducted at the Massachusetts Institute of Technology indicates trends in the differences between the likes and dislikes of accommodators, assimilators, divergers and convergers, in relation to a particular learning environment. They state (1975:53) that there needs to be a systematic exploration of how learners see situations, "....The basic conflicts between man and his social institutions will only be resolved through scientific understanding of these socializing environments that shape human development and through the enlightened design and management of these environments."

Kolb (1984:20) again refers to the Lewinian Learning Model when he describes this model along with those of Dewey & Piaget. He sees a great deal of similarity between the models which provide a unique perspective on learning characterized by identified propositions namely:

- learning is best conceived as a process, not in terms of outcomes;
- learning is a continuous process grounded in experience and the process of learning requires the resolution of conflicts between dialectically opposed modes of adaption to the world;
- learning is a holistic process of adaption to the world;
- learning involves transactions between the person and the environment; and
- learning is the process of creating knowledge.

Kolb (1984:198) develops his understanding of the learning environment in later work and identifies four different types of learning environments as being either affectively, perceptively, symbolically or behaviourally complex. This is of particular interest for this project in that this description of the affectively and behaviourally complex environments largely describe the learning environment of the College of Law and the current matter process. The affective environment is one that mirrors what the students would do as graduates with all its attendant complexities. The environment involving behaviour is one that emphasises actively applying knowledge or skills to a practical problem.

Of relevance to this study is the fact that when experiential learning theory is used to view the learner and the instructional environment in the above terms, useful relationships begin to emerge concerning the design of learning situations. From the research conducted by Fry, 1978 and Kolb 1976 it is apparent that the students best suited to the College of Law course should be those whose learning modes show preference towards concrete experience and/or active experimentation. The former preferring affectively related factors and the latter behaviourally orientated factors. (Kolb, 1984:200).

As suggested earlier, if Kolb & Fry's theories are to be accepted, then as legal practitioners are so diverse, ranging from the court advocate, to the commercial lawyer/accountant, to the draftsperson of statutes, it is anticipated that the finding of common denominators amongst those who intend to practice may be difficult. Some students will prefer commercial practice or court advocacy, others will be more interested in research as such and yet others may find an interest in science/law.

These differences may well identify each such group as preferring particular and different learning styles and determinants of personal development. (Kolb & Fry, 1975:41) (Vide Table 7.4.)

Kolb (1989:ICEL conference) displayed at his lecture a copy of a revised and allegedly improved learning style inventory. He was ready to accept that the inventory had both positive and negative aspects. He advised that he has adapted his theory to provide an insight into an MBA course by using executive skills profiles. Faculty intent is plotted against the perceptions of entering and graduating students. This provides a diagrammatic comparison between intent as to skills emphasis on the part of the faculty and the perception of the students as to these skills. The differences were significant leading to a restructuring of the faculty.

Kolb also advised that he saw persons involved in the law as assimilators. Their greatest strengths are identified as being capable of inductive reasoning and having the ability to create theoretical models, in assimilating disparate observations into an integrated explanation. (Kolb, 1986:78 and Grochow, 1973).

In this project the effect of the learning environment upon the students in this experiential learning course will be researched and illuminated. This accords with the expressed need for systematic exploration of how learners see situations. (Kolb & Fry, 1975:53)

Kolb's theory has been considered in some detail as it is effective in explaining experiential learning processes and has been adopted by many writers in this area. His theory is, however, subject to criticism such as that already referred to by Boud (1985:13) in relation to reflection in the learning model. Weil and McGill (1989:246) agree with the view of Jarvis (1987) in stressing that -

> ".....learning always occurs within a social context and that the learner is also to some extent a social construct, so that learning should be regarded as a social phenomenon as well as an individualistic one".

Weil and McGill point to the need for new models to reflect this. They point to the fact that Jarvis's own model challenges Kolb's assumption that learning entails a cyclical sequence of stages. Jarvis provides nine different routes which may or may not result in learning. Taylor (1986) & Ramsden (1987) are also identified by Weil & McGill (1989:246-247) as supporting Jarvis in identifying the effects of relationships as an integral part of the learning process.

It is difficult for an outsider to register how experiential learning is different from any other kind of learning in that Kolb's model can be used as a description of the learning process in general. (Weil & McGill, 1989:26).

2.3 FURTHER MORE RECENT DEVELOPMENTS AND IMPLICATIONS FOR THIS EVALUATIVE RESEARCH PROJECT.

In 1972 a workshop entitled "Creative Change in Higher Education" was held in London and this was followed by a further workshop in 1973 at the University of Surrey, entitled "The Use of Experiential Techniques in Higher Education". The aim of the first of these workshops was to provide those involved in higher education with a forum for discussion to reconsider the one-sided emphasis commonly placed on intellectual development and to explore alternatives. The second workshop became a logical progression for some from the first workshop. (Boud, Brown, Heron, Liddle, Page & Pym, 1973:5). One of the main purposes of the second workshop was to look at the practice of experiential techniques in higher education.

The report on this workshop expresses the following notion (Boud et al, 1973:14)

> Experiential Learning........ Should somehow involve more of the whole person than is usual with conventional tutor-orientated teaching methods...... Where possible use 'real' (students' own existing) experiences, or introduce 'experiences' into the class situation......

An interesting aspect of the report identified under the heading "The future" is - "Intellectual effort also in its content and in its timing and application can be more deeply justified in its own terms if it remains sensitive to its roots in phenomenological consciousness." (Boud et al, 1973:38)

In the mid to late 1970's real efforts were made in the United States to overcome the difficulties associated with formal recognition of and the creation of standards for credentialing experiential learning. Experiential learning was here seen as that valuable learning that takes place outside formal schooling. The Co-operative Assessment of Experiential Learning (CAEL) project was a direct response to this need. The Steering Committee for the project recognised the need for a deeper understanding of the nature of experiential learning and its role and accordingly commissioned a set of theoretical papers to illuminate and possibly guide the project. (Keeton, 1976:xvii).

The above papers were distilled into Keeton's book referred to above and they cover a number of aspects of experiential learning including, the role of experiential learning, its analysis and assessment. Keeton (1976:3) refers to competence in action as only being reliably developed in action, real or simulated. As regards simulation upon which the course under study is based he states that "........the greater the reliance upon simulation, the greater the likelihood that some critical and unexpected factor at play in reality may render the perception inadequate." He points out, however, that "The classroom, because it is economical relative to other places for learning that embody or simulate realities more closely, is a preferred vehicle of education from the perspective of cost." He also sees the need for good models of criterion - referenced standards and credentials. (Keeton, 1977:15). The students perceptions as to the reality of the subject course have been researched in this study of the College of Law course and criterion-referenced tests have been used and carefully related to the current matters under study.

Tumin (1976:43) points out that numerous educational philosophers have long argued that the important question is not that of classroom learning versus experiential learning, but rather of proper learning versus inadequate and superficial learning, whether in class or out. Only when one moves from the symbol - processing sphere to the sphere of action can the person be said to have completed the learning, so that the information initially received is useful to him in his everyday action. (Coleman, 1976:49). Much knowledge is very likely stored through a structure involving remembered sequences of action and response, which may involve no symbolic medium at all. (Coleman, 1976:55). The current matter process being a simulation of a real matter provides such sequences.

A property of the information assimilation mode of learning is that it must depend on artificial or extrinsic motivation such as grades (Coleman, 1976:56). In the experiential mode of learning motivation is intrinsic to the extent that the learner derives satisfaction from successful application of a concept or generalization. In this project it should be evidenced to the extent that what is experienced in the course is related to the real world of work and interest for the students. This is an important aspect for illumination in this study. Motivation should not be a problem in an experiential learning course. Walter & Marks (1981:3) suggest that active learning can be motivating and self-reinforcing and it promotes participant responsibility. Motivation is evaluated and tested (Vide, Para.7.7).

Another important aspect of experiential learning identified by Coleman, (1976:58) is that such learning appears to be less easily forgotten than learning through information assimilation. This may be due to the fact that the associations are with concrete actions and events to which effect was attached. This researcher is conscious of his own recollection of experiential learning to which he was exposed during his period of articles of clerkship in a legal practice. Notwithstanding that this occurred over 30 years ago, it is apparent that the learning is not forgotten as the events were lived through with all their attendant problems. There is little conscious recollection of learning that took place as part of his substantitive law course. The amount of learning that takes place and the retention of this learning at least to the conclusion of the current matter is evaluated and tested in this project (Vide, Para.6.3.).

Chickering (1976:89) points out that motivations for learning, learning styles and orientations toward knowledge are linked to levels of ego, moral and intellectual development. These are factors which go to to the effectiveness of the learning identified in the learning model (Fig.2.1). This proposition to the extent that intellectual development is a factor, is evaluated and tested by comparison between academic attainment and motivation (Vide, Para.9.2.3). Academic attainment is also measured and compared with learning from the experiential learning process (Vide, Para.6.3.5).

In 1978, a substantial report (referred to in para. 2.1) was issued by the Australian Consortium on Experiential Education regarding developments in post secondary education. The project upon which the report is based, was aimed at assisting secondary and post-secondary teachers who wished to make use of experiential procedures. It includes reference to a number of Australian courses that adopt experiential education methods such as the course in Introductory Clinical Studies at N.S.W. University, the course conducted at the College of Law (which course is the subject of this research), community psychology courses at the University of N.S.W., and to a seminar on "Human Relations in Education" conducted at the University of Sydney. In editing the collection of papers included in the above report Boud & Pascoe (1978:61) identify three most important characteristics of experiential education namely - (a) the involvement of each individual student i.e. learning activities need to engage the full attention of a student; (b) the correspondence of the learning activity or the degree to which learning tasks simulate activities outside the classroom or educational institution; and (c) learner control over the learning experience. Each example reported in the collection was seen as displaying different combinations of these characteristics and as being a form of experiential learning. Walter & Marks (1981:2), in discussing experiential learning, also point to the aspect of such learning relating to students being responsible for their own learning.

Post-Secondary courses in the U.S.A. adopting experiential education and which possess characteristics identified by Boud & Pascoe include: internships, co-operative education, practica, field experience, clinical practice, student teaching and work study. (Jenks, 1978:53).

One paper, related to organisational development, is of interest in identifying three stages in experiential learning exercises - The input stage (or setting of the scene), the actual experience and the third stage where the learning is crystallised and internalised. (This is developed further later in this section in relation to reflection). Without stage three, stages one and two are useless. A completed model of Input-Process-Output is provided in that paper. (Hart, 1980:45). This would identify with the current matter process in this study. The stages being: the instructor exposition, the conduct of the current matter and the settlement or arbitration hearing with the final instructor discussion.

Due to the increased interest in experiential learning, four national organisations have been formed in the United States related to this form of learning. They are: the National Society for Internships and Experiential Education, the Association for Experiential Education, the Co-operative Education Association and the Council for the Advancement of Experiential Learning. (Duley & Permaul, 1984:19).

In 1983, at a conference of the Australian Consortium on Experiential Education, the ethical issues associated with experiential education were considered. Such considerations are :

- What right do I have to put students into a situation which might upset them emotionally?

- What right do I have to challenge students' concepts or beliefs?

- What right do I have to influence their values with my own? (McNeil, 1984:8)

Such issues were seen as of importance in experiential education courses and particularly the course conducted in the faculty of medicine at the University of N.S.W., where the students visit and experience such places as an abortion clinic, inner city mens' refuge and the like.

These issues similarly arise in experiential courses such as that the subject of this study. Law and medicine particularly, involve moral issues and ethics which relate to personal beliefs and values. Counselling of students becomes a part of such a course as they raise issues of concern to them. This aspect of the College of Law is not truly experiential at this stage as the ethical problems do not arise within the current matters. Professional responsibility is taught by discussion and problem solving. It is mentioned as there is a current proposal to move these issues into the current matters.

Four side issues of interest in the above medical course were raised namely :

- How can the teacher/tutor attempt to build trust and respect within the class/tutorial and have students include him or her as an equal and then turn around and assess them? (The initial response to this was by having a pass grade only)

- Can teachers move away from a traditional format for teaching with students in a compulsory course?

- How confronting should the learning situations be? e.g.Involving students emotionally.

- One difficulty is that experiential learning courses can be noisy at times and more conservative staff members can take exception to this, wondering whether any real work is being done. (McNeil, 1984:9)

It is of interest to note that in the first year medical course at the University of N S W, entitled "Introductory Clinical and Behavioral Studies", students were awarded a pass or fail grade, solely, in the early stages of its development. Later the need was recognised that the method of assessment adopted had to be compatible with those for other subjects where traditional tests and examinations were adopted, as students were treating this course as a soft option. They also gave their energy to the course with examinations that were more difficult to pass. Students were allowed to choose their own topics in the anticipation that this would provide motivation, but this did not work with the majority. This freedom of choice is a major aspect of the experiential learning in the agricultural course conducted at the University of Western Sydney, where it is seen as a positive motivating factor. (1989, ICEL Conference). There is no such choice available in the College of Law course, although it is an issue under discussion. Concerns that the tutors in the above Clinical and Behavioural Studies course had with respect to changes in the course, were not shared by the students and whilst tutors had some difficulty in adapting, the students were more satisfied with the course and had a clearer idea of what was expected of and familiar to them i.e. marks for assignments and end of year examination. A greater amount of didactic material is now incorporated. The roles of teachers have changed and they have become more authoritative where necessary and have adopted a blend of traditional teacher and small group facilitator. (McNeil, 1984:15-19). The experiences in this course and the Agricultural course referred to above, are of importance in understanding the motivation of students in the course under study.

Again of relevance to the course under study, Berry & Frey (1984:23) point to the fact that whilst experiential learning may be the closest that one can get to training for the actual work, artificiality does come into it from a number of sources. The variable "realness" is taken up in the next paragraph. They (1984:24) also point to the fact that all too often professionals expect non-professionals automatically to behave like professionals. This aspect is not directly relevant to this project, but is interesting as an observation related to instructor expectations.

In the legal arena it is interesting to note that "Learning by Doing" was adopted for The Legal Method Seminar at the University of Hawaii School of Law and this led to the faculty opting to require courses or seminars of a clinical or quasi-clinical nature taught if necessary by experienced practitioners, in each of the three years of the course (Miller, 1976:13). This change was spurred on by criticism of the traditional law school course and by the movement for introduction of skills training into law schools. Some of the issues that arose and which are of relevance to the theory of experiential learning, were the increased involvement of teacher time, and the need for teacher effectiveness at the possible expense of research (Vide, Para.9.6.). The students seemed to display a realistic understanding of the legal process and the connection between doctrine and policy, and to possess the ability to translate this understanding into an effective work product. The students were getting jobs in a tight market with an unusually high percentage being placed with the largest and wealthiest firms. (Miller, 1976:16) It has been recognised as part of this project at the College of Law, Sydney, that realness of the current matter process is a variable in need of illumination. (Vide, Para.8.2.)

In the practical legal training course conducted in Melbourne, current matters are also conducted as a method of training experientially. In that course the responses to a recent survey indicated a strong approval of the current matter strategy. (Shorten, 1988:181)

Boud, Keogh & Walker (1985:7) pose the questions :

> "What is it that turns experience into learning? What specifically enables learners to gain the maximum benefit from the situations they find themselves in? How can they apply their experiences in new contexts? Why can some learners appear to benefit more than others?"

The more that these authors considered these issues the more they identified the importance of reflection. This they saw in the human sense as "....thinking quietly, mulling over events in our mind or making sense of experiences we have had" (1985:8). In any form of learning the reflective phases can be demonstrated and only the learners themselves can reflect on their own experiences. Teachers only have access to individuals' thoughts and feelings through what individuals choose to reveal. Feelings and cognition are seen as closely interrelated and interactive in that negative feelings can form major barriers to learning as much as positive feelings and emotions can greatly enhance the learning process. (1985:11). Reflection in the nature of debriefing after current matters, is absent from the course under study and this may be seen as a major omission. Debriefing is primarily a discussion of the completed activity and provides, order, and meaning to the participants' experiences. (Walter & Marks, 1981:156) Feelings to the extent that they are bound up in motivation, are evaluated in this project (Vide, Paras.7.7 & 9.3.).

Boud et al (1985:13) point out that Kolb does not discuss the nature of his stage of observation and reflection in the learning model (Fig.2.1). His scheme is seen as useful in assisting with planning learning activities and in helping to check that learners can be effectively engaged by the tasks set.

Reflection is a form of response of the learner to experience. It involves the experience and the reflective activity based upon it. It consists of the total response of a person to a situation or event. In the view of Boud et al, (1985:19) "....reflection in the context of learning is a generic term for those intellectual and affective activities in which individuals engage to explore their experiences in order to lead to new understandings and appreciations".

Another aspect of experiential learning that needs to be dealt with, relates to the differing perspectives and applications of the method. Weil & McGill (1989) have dealt very effectively with this aspect by developing what they call "villages" of common interest within learning from experience. This became necessary because the term "experiential learning" came to mean different things to different people and a wide diversity of meanings and practices had developed. No-one had previously so effectively identified and codified these. They see the four villages as follows-

> 1. Village One is concerned particularly with assessing and accrediting learning from life and work experience as the basis for creating new routes into higher education, employment and training opportunities, and professional bodies.
> 2. Village Two focuses on experiential learning as the basis for bringing about change in the structures, purposes and curricula of post-school education.
> 3. Village Three emphasizes experiential learning as the basis for group consciousness raising, community action and social change.
> 4. Village Four is concerned with personal growth and development and experiential learning approaches that increase self-awareness and group effectiveness. (1989:3)

Henry (1989:36) in her chapter sees it as useful for the field to go ahead as a whole notwithstanding the diversity that exists. Most of the approaches share an underlying philosophy and face common problems such as acceptance in traditional institutions and the developing of alternative assessment methods. This latter aspect is relevant to the course under study. Boud (1989:40) identifies adult learning and autonomy of learning as two areas that have much to offer for an understanding of experiential learning. He sees autonomy and self-motivation as central concepts in experiential learning. (1989:43).

Relevant aspects of the above developments are taken into account in this project.

CHAPTER 3

Choice of Methodology

Illuminative Evaluation Method

3.1 Weaknesses of The Objectives - Based Model.

The classical objectives based model of evaluation was launched as a prototype by Ralph Tyler in the early 1930's. This process of systematic curriculum development is known as the "objectives model". Supported by extensive funding in the United States in the 1960's this model came into its own. (Hamilton, Jenkins, King, Macdonald & Parlett (Eds.) 1977:25).

The central feature of the model that Tyler popularised is the "Behavioural Objective". If one could recognise the kind of behaviour the student is expected to acquire, then one can define an objective with sufficient clarity. (Hamilton et al, 1977:27).

The classical approach to curriculum development is seen by Wiseman & Pidgeon (Hamilton et al, 1977:60) as deceptively simple consisting of three stages.

1. Definition of aims in behavioural terms.
2. The selection and invention of learning situations designed to achieve these aims.
3. The design and development of assessment methods to measure the degree of success in achieving these aims.

Wiseman & Pidgeon go on to express the view that experience suggests that the major effort and activity is concentrated on stage 2 and the focus tends to be on the development of materials rather than on 'learning situations'.

There are inherent problems associated with the use of the objectives model in evaluation and research. In relation to curriculum research, Stenhouse (1977:119) states that since many of the rewards of the objectives model have already been reaped we would do better to deal in hypotheses concerning effects than objectives. He considers that to attach the value-laden tag, objectives, to some hypotheses is an odd and unusually unproductive scientific procedure. Thinking in terms of a taxonomy of educational effects rather than objectives prevents our perceptions from being blinkered by our intentions. He sees a serious weakness in the objectives model reducing content in education to an instrumental role. (1977:116) Student learnings can be treated as outcomes, rather than made the subject of pre-specifications. (1977:117)

Eisner (1977a:95) expresses the view in relation to evaluating the effects of instruction, that objectives being usually couched within a subject-matter field, fail to attend to other, perhaps equally important consequences of instruction. He (1977b:88) states "..... that the dynamic and complex process of instruction yields outcomes far too numerous to be specified in behavioural and content terms in advance".

Scriven (1972a:130) raises the issue that not only is consideration and evaluation of goals unnecessary, but also a possibly contaminating step. In evaluating a product the aim is not to evaluate goals.

Ratman (1977) supports Scriven in asserting that evaluation researchers often limit their attention to only those outcomes which fall under the stated goals. This restricts the scope of the research, because latent goals can be missed (i.e. those that are not formally stated) as can unintended consequences and other unanticipated effects.

The focus of this study is on the learning situation and it is intended to be more holistic in approach involving the learning milieu. To base this study on objectives behavioural or otherwise would create a limiting effect.

Neither measurement nor curriculum are the main focus for this study, but rather the focus is intended to be on the students per se and on the effectiveness for them of the institution and its teaching methods.

Scriven (Hamilton et al, 1977:141), in describing his goal free evaluation, sees the crucial question as being not what the producer intended to do, but what was actually achieved. In this study the latter is what is required.

Stufflebeam (1975, cited by Knowles, 1980:202) identified two purposes for evaluation namely accountability and to improve decision making. Decision making is improved by providing information to the programme managers enabling them to improve quality. This study is designed to assist decision making and to that extent would be seen by Stufflebeam as formative in nature.

Knowles (1980:202), based upon the focus of delivering the highest possible quality of educational services to adult learners, sees that evaluation has two purposes: 1. improvement of organizational operation and 2. improvement of the programme. In this latter category he includes clientele, methods, techniques and quality of learning outcomes, all of which are to be aspects of this research study.

The objectives model is not seen as appropriate for this research project. Measurement or accountability as such are not sources of prime focus in this study.

3.2 Relevance of The Method and Nature of this Evaluation

The illuminative evaluation method as adapted and used in this project is suitable for use in this case study for all the reasons identified by Malcolm Parlett and Garry Dearden in their editorial note to "Introduction to Illuminative Evaluation" (1977). They see it as appropriate for the following programs -

(1) Those which have complex goals that are difficult to define precisely;
(2) programs that are significantly distorted by the local character of the institution or dominated by other special influences; and
(3) programs which are clearly not suitable as candidates for formalized evaluation designs because, for instance, of lack of time, a paucity of standard data, or simply because of uncertainty about the precise questions to be answered by the evaluation exercise.

The goals of the practical legal training course are not easy to define. The emphasis is currently placed on skills training, which presents problems caused by trying to determine the appropriate mix of skills (as such) as against the ability to perform legal tasks as required for practice. There is a dichotomy between these aspects of training and as to which aspect should be given the greater emphasis in the limited time available for such a course. The workable goals are not yet precisely defined. There appears to be no stated goal as to the type of legal practice to be served.

The experiential nature of the program employing full time instructional staff appears to be unique in Australia to the College of Law. The course is dominated by the influences of the academic tertiary institutions in that the students enter the course in most cases after 5 years or more in the academic environment of a university and they come from six or more different academic institutions having completed a multiplicity of different courses.

The affiliation with an academic institution requires conformity with its practices and procedures, which are quite foreign and sometimes frustrating for teaching staff drawn from practice within the legal profession. Six months is a particularly short period to prepare the students for everyday practice in a legal office, in compliance with the requirements of the affiliate Law Society. The universities do not generally see practitical legal training as an essential part of their role, although some change is evident in more recent times.

In the above context the true goals of practical legal training are still evolving and there is a paucity of comparative research data. The precise questions to be answered by this study must accordingly remain open at this stage.

This researcher is interested in the illuminative evaluation method because of its flexibility in the use of techniques and because of its acceptance of the holistic approach in the context of the learning milieu. It fits in well to the scope of the project that adopts a naturalistic paradigm involving a holistic approach within its scope of enquiry.

For all these reasons and in particular its involvement with the learning milieu, illuminative evaluation suggests itself as an effective method for evaluation of an experiential learning course. Such learning involves the whole person in learning by doing the thing under study. In addition simulated current matters are affected by environmental aspects. The illuminative method will not only evaluate these effects but also make this evaluation possible in the context of a total course.

3.3 The Theory of Illuminative Evaluation

In 1971 both Malcolm Parlett and David Hamilton were based at the Centre for Research in the Educational Sciences at the University of Edinburgh. They found a common interest in that David Hamilton was not satisfied with available methods of analyis for classroom behaviour and Malcolm Parlett, as a lapsed positivist, was evolving new approaches to evaluating innovations in teaching. Their collaboration resulted in the completion by them of an occasional paper first published in 1972 and entitled "Evaluation as Illumination : a new approach to the study of Innovatory Programs" (Hamilton et al, (Eds) 1977:6).

In the summary to their paper they argue that the conventional approaches that follow the experimental and psychometric traditions, then dominant in educational research, were artificial and restrictive. They do not elucidate the complex problem areas they confront and ".....provide little effective input to the decision-making process." Parlett & Hamilton set out to provide a contrasting anthropological research paradigm, which is central to this research project and which is still in need of elucidation. They refer to "....intensive study of the program as a whole....".

"Observation, interviews with participants (students, instructors, administrators and others), questionnaires, and analysis of documents and background information are all combined to help 'illuminate' problems, issues, and significant program features." (Parlett & Hamilton, 1972:Summary).

At the outset, this researcher would query whether the result of their labour was to create a contrasting research paradigm in the sense of near-ideal model or example, or rather to adapt existing methods in a holistic manner to provide for more meaningful conclusions to be made. Having said this, whether it truly qualifies in education as a new paradigm or merely an adaption of existing methods is not really of concern. What matters most is that these authors did provide the impetus for a more meaningful approach to research and evaluation particularly when related to innovative programmes, such as the course which is the subject of this research. Their approach received and continues to receive considerable support, although there are also criticisms as expressed by Parsons in para. 3.4 following.

Parlett & Hamilton (1972:2-6) contrast the traditional evaluation or the agricultural-botany paradigm with the social anthropology paradigm, being the two distinct paradigms that could be discerned within educational research. The agricultural botany paradigm is so named because many of the statistical and experimental techniques used in educational research were developed from agricultural experimentation. A small number of empirical studies at that time had been conceived outside the agricultural botany frame work. These related to social anthropology, psychiatry, and participant observation research in sociology. This represented a contrasting paradigm to which illuminative evaluation belongs. They were aware of the increasing resistance to evaluations of the traditional type designed to elicit objective numerical data that permits statistical analysis. They saw the manipulation of educational personnel as dubious ethically and as leading to gross administrative and personal inconvenience involving a consideration of parameters and factors rather than individuals and institutions. "Before and after research designs assume that innovatory programs undergo little or no change during the period of study."

Traditional evaluations were seen as imposing artificial and arbitrary restrictions on the scope of a study and as insensitive to local perturbations and unusual effects. They often fail ".....to articulate with the varied concerns and questions of participants, sponsors and other interested parties." (Parlett & Hamilton 1972:7) Illuminative evaluation takes account of wider contexts and provides as a primary concern "......description and interpretation rather than measurement and prediction." The aims of such evaluation is to study operations of and influences upon various school situations; its advantages and disadvantages and affects on students intellectual tasks and experiences. It assists by clarifying the processes of education.

Two concepts seen as central to illuminative evaluation are the instructional system and the learning milieu. The traditional evaluator's aim is to evaluate the instructional system by e.g. assessing whether its objectives have been attained. This does not take into account the significant modifications it undergoes when adopted. "It assumes a different form in every situation" (Parlett & Hamilton, 1972:11). How often are lists of objectives taken seriously?

"The learning milieu represents a network or nexus of cultural, social, institutional, and psychological variables." (Parlett & Hamilton 1972:11) These provide a complicated interaction in each setting which is unique. Parlett & Hamilton argue that innovatory programmes cannot reasonably be separated from this learning milieu. To evaluate without taking all the above variables into account is not feasable.

They argue that one of the chief concerns of illuminative evaluation is "Connecting changes in the learning milieu with intellectual experiences of students". (Parlett & Hamilton, 1972:13) One clear example given of the impact of the learning milieu, is the effect on a particular setting of the type of assessment procedures in use. This is a consequence to which this researcher can relate well, regarding the course under study.

Parlett (1985:5:2396) acknowledges that illuminative evaluation has features that cause it to fall within a naturalistic approach. Phenomena are examined as they occur naturally in real-life institutional settings and no artificial conditions apply for purposes of investigation. Every effort is made to do justice to the observable realities. It draws together factual and statistical material, opinions, observations and historical perspectives to more fully appreciate the special nature of the system studied.

3.4 Methodology of Illuminative Evaluation

> "The basic emphasis of illuminative evaluation applied to education is on investigating and interpreting a variety of educational practices, participants' experiences, institutional procedures, and management problems, in ways that are recognizable and useful to those for whom the study is made." The researcher contributes "......by providing information comments and analysis to increase relevent knowledge and understandings." It is "........ characterized by a flexible methodology...." (The International Encyclopedia of Education, (Parlett, 1985:5:2395)

The encyclopedia goes on to point to the fitting of the techniques to the circumstances and to the holistic nature of the evaluation. The illuminative study should provide a "......model or map which attempts to make sense of the system as an organized and coherent totality." It is a total and naturalistic approach to investigation. (1985:5:2396-2399)

Illuminative evaluation as a methodology is now generally accepted and has been adopted in many research projects. It has been "....in the forefront of the movement away from evaluation based heavily on preordinate designs, specification of objectives, operationalization of variables, the collection of more or less exclusively numerical data, and the primacy of statistical methods of analysis." (Parlett, The International Encyclopedia of Education, 1985:5:2396).

The International Encyclopedia of Education refers to Illuminative Evaluation having been applied in many forms and contexts. These are summarized as follows -

- Friedman et al 1976. Major innovation in undergraduate physics instruction that has failed.
- Jamieson et al 1977. A national study of mainstreaming or intergration of visually impaired children.
- Richards 1984. Cost-effectiveness of an internationally sponsored community development and parent education project in rural Chile.
- Hamilton 1977. Major studies in open plan schooling.

The encyclopedia points out that most evaluation reports have circulated locally. (1985:2397)

Other evaluations adopting the illuminative evaluation method are summarized in para.3.4.1.

Illuminative evaluation is a general research methodology made up of the best available techniques to throw light on a problem and has been chosen for this study for these reasons. The researcher is required firstly to be fully familiar with a setting. Manipulation, control or elimination of variables are not part of this method which is naturalistic in its approach. The researcher's chief task is to take a complex scene and to identify its major features and to look for cause and effect relationships. It is necessary to be careful to identify discrepencies between what is believed to be so and the reality as practiced by individuals. (Parlett & Hamilton 1972:16)

Observation is usually the first stage of an illuminative evaluation. This is followed by further enquiry and then explanation. The researcher commences with an extensive data base and then systematically reduces the scope of the enquiry to concentrate on the issues that emerge. Data are collected from such areas as "observation; interviews; questionnaires and tests; documentary and background sources". (Parlett & Hamilton, 1972:18) Observation supports the more formal interviews.

"The principal purpose of evaluation studies is to contribute to decision-making". Parlett & Hamilton (1972:29) see the evaluation as serving three groups of decision makers -

(i) Program participants; (ii) Program sponsors, supervisory committee, or educational board; (iii) interested outsiders. (e.g other researchers.) An important aspect is that whilst the researcher contributes to the decision making it is not his task to make decisions. Indeed it would be presumptuous to take over the role of the decision makers. The concentration is to be on information gatherings. "..........the evaluator aims to sharpen discussion, disentangle complexities, isolate the significant from the trivial, and to raise the level of sophistication of debate". (Parlett & Hamilton, 1972:30)

Parsons (1976:128-129) sees the research tradition as being inadequately represented in illuminative evaluation research methodology. He argues strongly that ".......we do have the right to demand that researchers proceed reflectively from the substantial basis of other work". Parlett (1977:38) points to the need for the study to be objective and capable of public verification. "........Skill and scrupulousness is required in abundance". He points to the need for such processes as having consultants to play devil's advocate and use of the technique of triangulation is suggested. Parsons (1976:131) argues that Parlett and his "collaborators" have dealt insufficiently with the problem of "intellectual orientation" in the case study researcher and paid too little attention to the rigour and systematization which could add to the credibility of the investigation. Sensitivity and receptivity are to be fostered in the researcher "....if the data, rather than relatively unreflective interpretation of them, are to command the generation of useful hypothesis in the 'grounded sense'."

The above comments of Parsons & Parlett have led to the consideration in this research project of the need for verification of conclusions by independent sources and to the inclusion of a detailed description of the experience of this researcher. These matters will be covered more fully in the chapter on methodology. (Vide para. 4.8. post).

Justification and validity testing by audience assessment is supported, although as Parlett (1977:40) points out recognizability is not enough. "A more searching criterion might be whether the study helps to increase my sensitivity and insight, or changes the way I look at things, or illuminates what was previously murky or confusing to me". In using the illuminative evaluation method for the study of a total college, Parlett (1977:108) speaks of the need for a second opinion, without which there is a danger of assuming that one's intuitive sense of understanding is clear thinking backed by sound evidence.

A summary of the distinctive contributions that an illuminative evaluation may be able to provide is established by Parlett (1977:154-155) and is as follows :

It can -

1) provide vicarious experience;
2) remind readers about features of the system which are already known, but have come to be taken for granted and now rarely discussed;
3) highlight critical features of a program;
4) provide a forum for the consideration of individual opinions that may not otherwise reach the surface;
5) convey an overall perspective on the program, differentiating the forest from the trees and emphasizing interconnectedness of elements or features;
6) summarize and juxtapose differing viewpoints; and
7) confront puzzling dilemmas and basic imponderables.

3.4.1 Development of the Illuminative Method

Examples of other evaluations adopting and developing the illuminative evaluation method and which have been duly reported are summarized below.

Many of the researchers over the last ten years have concluded that "........the Parlett & Hamilton perspective shows that there are perspectives of evaluation that are alternatives to standard perspectives". They have considered it necessary to adopt new perspectives. (Fox, 1976:88) Most if not all of those researchers who have reported their studies, have found the illuminative evaluation method to be effective. Harris, (1977:348-362) devised a checklist for systemization of evaluation and drew attention to political sensitivities as having an immense effect upon the success of a project. In a later research project building upon the earlier project Harris (1981:247-253) alluded to the fact that whilst research as such and evaluation may have different purposes, they may neverthelsss, lead, in large measure, to the same type of conclusions.

A researcher who shared the same surname pointed to the fact that student interaction provided by use of the illuminative method, enabled immediate follow up of problems in more depth leading to their resolution. (Harris, D. 1977:21-48) He saw the use of several approaches to evaluation with the facility for cross checking of results as being ideal.

The use of the illuminative evaluation method has also been seen as having the advantage of being able to trace progress without the need to justify an indefensible policy or statement of intentions. (Streatfield, Pritchard & Wilson, 1981:67-70). The illuminative method has been used for formative decision making relating to matching teaching/learning styles and in that project the researcher went into the project using pre-test/post-test as part of his methodology, but without looking or expecting to find statistically significant features anywhere. He did see bias as a real problem (Miles, 1981:479-499) In this subject research project a pre-test/post-test will be used as part of the evaluation techniques, but with the intention that whilst statistical differences may or may not be sustained the results of these tests will nevertheless provide useful interpretative data.

Shapiro et al (1981:8-15), in earlier consideration of the illuminative evaluation method, states that traditional evaluation methods might not have allowed the evaluation to be refined as it moved from site to site or not have allowed the unintended consequences of the programmes outcome to be revealed. A year later Shapiro & Lincoln (1982:5), in another paper, take up the position "....that neutrality and objectivity were neither expected nor desired by those involved in the project". By a later paper Shapiro (1987:13-34) had developed in her consideration of the illuminative method to the stage of apparently choosing this method on the basis that, as she sees it, it makes no claim to real objectivity. Her research process was ".......based on admitted bias from the outset. (Shapiro, 1987:15)

This extension of the illuminative evaluation method certainly appears to be a distortion in that Parlett & Hamilton (1972:25) speak of being supportive without being collusive and of the use of precautionary tactics to avoid the possibility of gross partiality (1972:24) and again of avoiding the dangers of 'going native' or getting caught up in political intrigues (1972:27). Parlett & Dearden (1977:33) assert that "........... concentrated effort must be made to represent different value positions, ideologies, and opinions encountered in the course of the investigation..........." They also assert that "researchers should be understanding and open to different points of view, at the same time avoiding collusion or over-involvement. (Parlett & Dearden, 1977:34)

In this research project, the standards of impartiality and objectivity are adopted as set forth by Parlett, Hamilton & Dearden and distortions as introduced by Shapiro & Lincoln and discussed earlier in this section are avoided.

Sherman & Lincoln (1982:1) describe what they call "responsive evaluation". This form of evaluation was articulated earlier by Stake (1975:14) as being orientated more directly to program activities and as more responding to audience requirements for information. Sherman & Lincoln describe responsive evaluation in a manner which suggests that it is very much the same as illuminative evaluation although Maxwell (1985:342) makes the distinction of responsive evaluation being informed by emergent issues and illuminative evaluation being open to ensuring a balanced variety of information to allow a rich and meaningful portrayal of a program.

Melton & Zimmer (1987:112) adopt other terminology namely "multi-perspective illumination" in the belief that this title will lead to the distinctive nature of the approach being more readily recognized and appreciated. The study claims, speciously in this researcher's view, to build upon the Parlett approach to illuminative evaluation.

3.5 Conclusions

Having read the above papers and reports one is lead to the conclusion that the illuminative evaluation method as devised by Parlett, Hamilton and Dearden has been misused and abused. Some have adopted it because of its use of a variety of instruments for measurement and collection of data and because of its holistic approach. This is done at times apparently to justify their projects rather than to adopt a properly devised methodology. Others have failed to retain a strict approach to their research and see illuminative evaluation methods as an excuse for a less rigorous treatment. The initiators of the method would no doubt be somewhat disturbed by this. It is vital for reliable research that a careful systematic approach be maintained, based on sound methodologies or the findings become nothing more than anecdotal expositions.

The illuminative evaluation is seen by this researcher as ideal for this research study in that it adopts an holistic approach involving a qualitative emphasis. The reservations of Parlett, Hamilton and others as regards the traditional paradigm for the purposes of a study such as this project, are shared by this researcher. The use of various methods of collection of data involving triangulation and systematic deductive reasoning, appear to offer greater promise for conclusions that are more related to and effective in the naturalistic setting.

The essential area in which this research project may be seen as deviating from the illuminative evaluation method and adapting an alternative method is that of progressive focusing. Whilst the collection of data has a wide base and there is progressive focusing in relation to that data, the original instruments such as the questionnaire and the interview questions do not come from any progressive focusing effected within this project. These instruments are based on the researcher's focusing upon issues as a knowledgeable insider (Vide para. 4.9). The precaution was taken to include open ended questions at the end of the questionnaire in relation to the College and to the course and these might have been expected to bring forward a number of issues not otherwise identified by the researcher. This did not prove to be the case, except to a limited extent as reported in paras. 8.5.1 and 8.5.2.

Another aspect of this project that perhaps moves away from strict illuminative evaluation is the use of a sample related to a population. The research is both quantitative and qualitative in nature and the use of a sample is necessary for the former. Parlett & Hamilton (Vide Para.3.3) do not exclude measurement and prediction, but place the emphasis on discription and interpretation. Quantitative methods are used for example in relation to the test results, whilst in relation to the questionnaire complete responses are recorded in Appendix J where themes are not evident (Vide Para. 7.5.2).

CHAPTER 4

RESEARCH METHODOLOGY

4.1 Purpose and Objectives.

To the extent that the purpose of this project is to illuminatively describe and evaluate the current matter process as part of a novel experiential method of professional training, this researcher must keep an open mind. The arbitrary restrictions that are seen as imposed by traditional evaluations are to be avoided. It is necessary to remain sensitive to local perturbations and unusual effects. (Parlett & Hamilton, 1972:7). To this extent the precise questions to be resolved cannot be determined in advance. It is possible, however, to identify matters for evaluation and aspects of the theory of experiential learning, that raise questions of importance for consideration as part of this study. Some of these questions have been identified in Chapter 2 and others have suggested themselves from this researcher's position as a knowledgeable insider. As already referred to in the former chapter, an attempt is made to ensure that all important issues are investigated. To that end some general questions are included to provide data in relation to any issues not already focused upon by the researcher. The questions generally are not necessarily related one to another, as consistent with illuminative evaluation, matters of apparent importance are pursued and then further illumination comes from progressive focusing upon the data.

(a) Is the theory of Kolb's experiential learning model supported by its application in the course and the classroom setting?

(b) What is the general attitude of the students to the current matter process, which involves experiential learning?

(c) To what extent is the particular learning environment affecting the students?

(d) Is student motivation related to course methods including the current matter process?

(e) Do the students perceive the work conducted in the current matter as real?

(f) To what extent is learning taking place when adopting the experiential current matter process?

(g) Is academic learning in law perceived by the students as related to learning as part of the current matter process?

(h) Is intellectual attainment related to student motivation?

(i) What other meaningful conclusions or findings can be arrived at in relation to the adoption of the experiential learning method?

In addition to the purpose already identified and associated with experiential learning, the adoption of the illuminative evaluation method should provide an application of this method in a new and possibly wider context.

Classroom observation conducted at the same time as the collection of data for this project, fits in with the illuminative evaluation method adopted for the project and provides considerable data for yet further study. The method and scope may assist other researchers in what appears to be a new area of research for the legal profession.

The objectives of this research project, which complement the particular questions referred to above and which are related to experiential learning, are set out below. They are of their nature both general and specific, but come from the issues identified in the questions. Further focusing becomes necessary in dealing with the data.

(a) To establish the suitability and usefulness of illuminative evaluation as a methodology for illuminating multiple aspects of a course.

(b) To collect, record and codify data necessary to illuminate the entry data of the college students as part of the illumination and which provides data for interpretive purposes in relation to experiential learning.

(c) To ascertain student acceptance or rejection of the current matter process.

(d) To gauge the effectiveness of the College of Law programme by conducting tests to measure as far as possible the increase in learning taking place during the current matter process.

(e) To ascertain from students their attitudes and feelings towards the course, the college and the experiential methods adopted.

(f) To ascertain and rate student motivation as perceived by them, both upon entry into and during the course.

(g) To illuminate the nature of and to ascertain student attitudes towards the group room environment in the college.

(h) To rate student attitudes towards their own competence related to the current matter.

(i) To ascertain student perception as to the relationship between academic learning and practice through practical legal training.

4.2 General Plan of Investigation

As to the use of a sample related to a population Vide para. 3.5.

4.2.1 The Population - The population consists of 285 students being the total intake for the Practical Legal Training Course 872 conducted from early July to mid-December 1987. (Vide Para. 5.2)

4.2.2 The Sample - Four student groups containing 14 or 15 students each, have been selected by the random selection of four instructors from a total instructing staff of approximately 25. (Vide Para. 4.5 as to the detailed selection and structure of groups).

Each group has its own room. In selecting the students for each group the College requires that there be an even distribution of students from each of the law courses in NSW and of male or female students. In addition a student should not be allocated to an instructor for more than one phase of the course, nor to a group room that does not include a window on more than one occasion. This being a naturalistic study, the selection process will be that naturally occuring at the College for the subject course. (Vide Para.5.2 for a detailed analysis).

The 53 students in the four groups (i.e. after excluding 5 students referred to later) should provide an adequate sample of the population to provide with other data, evidence to support the evaluation. Such a claim may not be possible with respect to comparisons between groups as the numbers in each group are too small and each is subject to the effects of a different instructor.

4.2.3 Variables - It is not intended to identify all the specific variables or questions in advance as this is inconsistent with an illuminative evaluation. Questions emerge as the evaluation progresses. A number of quantitative variables also become identified during the course of the study. Studies of this nature tend to be far ranging, concerned with the entire network of inter-relationships rather than focusing on programme features and correlations between individual variables. (The International Encyclopedia of Education, 1985:5:2395) This project is not limited in this manner. The sources of collection of data will be discussed later.

4.3. Need for Illumination

Experiential training adopting simulation was chosen for the College of Law course, as being the nearest experience to actual practice, but one problem is that this method as adopted by the College for training law students, has never been looked at systematically to ascertain its real educational worth. In the interests of better learning the College has already, without the benefit of a formal evaluation or research, moved from a mix of current matters as would be the case in practice, to the full completion of each matter separately in one block. One other such innovation has been the formal division of the staff into areas of expertise. It is important that future change be based upon proper data and research where possible.

The overall research project and evaluation, as indicated in para.4.1 is aimed at a number of important concepts, but in addition it will inform the College and other interested parties in Australia and overseas as to the College processes. It overcomes the problem of a complete lack of data and prior research to work from within the area of practical legal training. Substantial data will not only be provided within that sphere of training, but also in relation to the adoption of the experiential learning method.

4.4. Sources and Collection of Data

Illuminative evaluation has as its emphasis investigation and interpretation of a variety of educational practices in ways that are recognizable and useful for those for whom the study is made. (Vide Para. 3.4) Accordingly this study is designed around a number of data gathering processes aimed at the sample and adopts an holistic approach within the sphere of enquiry. (Vide fig.4.1. below)

The student course entry data provided a valuable source (Vide Para.4.4) and were accordingly collected for analyses as shown in Appendix C. The pre-test/post-test was included in order to indicate the amount of learning that was taking place from adoption of the current matter process. Observation was seen as important to view the total process in action at first hand (Vide Para.4.4.4), whilst the questionnaire was seen as an effective means of gathering a substantial amount of data in an orderly fashion (Vide Para.4.4.3). The teachers for the selected groups were interviewed to ensure that the researcher would be accepted within the group room and cause as little interference as possible. The students in the sample were also interviewed to check existing data and to raise some further issues (Vide Para.7.3).

Early documents were researched, but produced little by way of clear objectives for the course other than to evidence an intention to simulate and to replace the pre-existing articles system of training. The current matters that are here researched are basic and common real estate and litigation matters to be found in legal practice. There would appear to be little gain in researching curriculum documents in this instance.

Some of the data gathering processes provide evidence that may well be attributable to the population, however, other data as indicated in para.4.2.2 will not go this far. The study is focused on illumination and accordingly it is not unreasonable to expect that a substantial amount of evidence has been gathered that provides the stimulus for further research.

The Data gathering processes are set out in figure 4.1 (commencing with "Student entry data") and described in para.4.4.1 et seq.

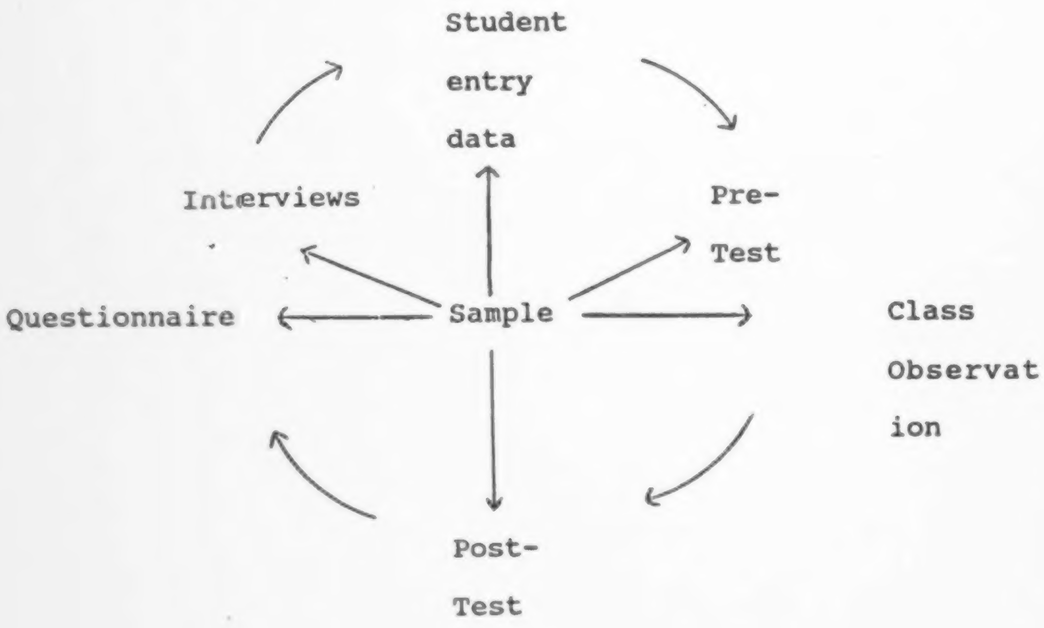

Student entry data
Interviews
Pre-Test
Questionnaire
Sample
Class Observation
Post-Test

Figure 4.1

Data Collection Techniques In Chronological Clockwise Order.

4.4.1 Student Entry Data - The data available from College records includes such information as - age, sex, institution of under- graduate study, academic level of achievement, prior work experience and undergraduate subjects studied. (Vide Appendix D)

These data which are seen as part of the overall illumination, provide opportunity to investigate such matters as the relationship between -

(a) Academic achievement and achievement in the practical tests as set in accordance with the College of Law curriculum.
(b) Age and level of achievement at the College.
(c) Sex and level of achievement at the College.
(d) The various institutions attended prior to entry to College and the level of achievement at the College.
(e) Prior work experience and achievement.

These data will also provide some of the colour and texture synonymous with illuminative evaluation.

4.4.2 Measure of Student Learning - Each Pre-test/ Post-test (Appendices E & F) has been carefully devised, criterion referenced and related strictly to the current matters conducted by the students. The questions are practical in nature and focused on providing evidence of a student's ability to conduct such a matter. The current matters as described in Para.1.3 involve experiential learning. In the real estate matter the students carry out more of the steps in the matter, than in the litigation matter where more reading is relied upon. The tests are aimed essentially at measuring the knowledge gained from the experience including any reading. Based on the experiential learning model or cycle this knowledge can form the basis for testing the implications of concepts in new situations. The measure was included to determine as far as possible, how much learning was taking place.

4.4.3 Student Motivation and Attitudes - The questionnaire (Appendix H) was trialled (Vide, Para.7.1) and is designed to illuminate such matters as :

(a) student perceptions of the College;
(b) their motivations on entry into the course and following completion of the current matter;
(c) attitudes towards employment;
(d) categories of work preferred;
(e) perceptions of their own competence before and after conduct of the current matter;
(f) acceptance/rejection of the College teaching/ learning methods and environment;
(g) satisfaction or dissatisfaction with the course/college generally; and
(h) student perceptions as to the relationship between their academic learning and experience of practice at the College.

Based upon this researcher's extensive association with the course, the above matters were seen as important issues that have arisen in connection with the course. Motivation has always been a problem and perceived job prospects was seen as associated with this. The teaching/learning methods as adopted in the course are untested. The students prior learning and prior experiences and the practical nature of the course are seen as issues in need of illumination.

This questionnaire was completed by the students immediately following completion of the relevant current matter.

4.4.4 Class / Group Observation - The groups were observed adopting non-obtrusive naturalistic methods. Observation within the learning milieu is an element in illuminative evaluation and provides a further means of triangulation. (Vide Para. 3.4 & 4.4.5) Preliminary observations took place by way of trial, essentially to provide some initial insights and to develop this researcher's skill in the particular setting. The trial involved sitting in with students in their group room for thirteen periods of between 20 and 30 minutes each, to test observer effectiveness and effects. This enabled the researcher to gain some experience in taking written notes of interactions and events and to ascertain to what extent this was possible. It was decided to focus on the various interactions between students and between students and instructor. The verbal content of such interactions were to be taken down or identified as far as possible. It was sought particularly to identify learning exchanges and to experience the experiential method in action. During and after the trial a considerable number of student/student and student/teacher exchanges were coded (Miles & Huberman, 1984:63), until it became clear that a very substantial amount of learning appeared to be taking place in exchanges between students in the course of conducting the current matter. The exchanges involved not only one student providing knowledge that another had not acquired, but also processes of discussion in which students were able to talk through problems encountered by them.

The trial also assisted in determining the best location within the room for the researcher to sit so as to neutralize observer effects as far as possible. Appendix A is a plan of group rooms and shows the location in the room ultimately selected by the observer. In this location the observer could both see and hear best, but at the same time maintain a reasonably low profile.

The students were observed over 161 periods of approximately 20 - 25 minutes each in a non- participant manner during the conduct of the current matters and within the group rooms solely. It is not practicable to extend each observation beyond this period and it provides an effective limiting factor. Each group was observed regularly over approximately five consecutive days of the particular current matter and during the conduct of similar work in those matters. Each group had distractions from the current matter as such in that, for example, each group completed some work in professional responsibility. The CV/1 group (Vide Fig.4.2) had an accounting test on the afternoon of the first day of the current matter.

Neither video nor tape recordings were used, consistent with the non-obtrusive and naturalistic nature of the observation. Detailed notes were taken during each period of observation to capture the scene as far as possible.

A series of questions devised by Miles & Huberman (1984:50) suggested a useful means of locating the essence of the data in a contact,

> What people, events, or situations were involved?
> What were the main themes or issues in the contact?
> Which research questions did the contact bear most centrally on?
> What new hypothesis, speculations, or guesses about the field situations were suggested by the contact?
> Where should the fieldworker place most energy during the next contact, and what sorts of information should be sought?

It was sought to adopt this method, but the researcher found that the method was not particularly effective in this instance. There was a sameness about the students and even the nature of the interactions taking place between them that causes this researcher to query the productivity of any detailed enthnographic study limited to group room processes.

The students essentially came from similar backgrounds. They are all post-graduate students in law, subject to similar influences and essentially during the progress of the current matter they were involved in the same learning experience. Although differences were found to exist between the approaches, methods and styles of particular lecturers and in group characteristics (Vide Paras.6.3.1, 8.7.3, 8.7.5 and 9.3.) other aspects of the interactions observed revealed a sameness or stability. This probably results from the defined sequential structure imposed by the current matter method.

They were subject to a number of social interactions that operated as a distracting influence i.e. when they were free to carry out the current matter processes and no formal instruction was taking place. The observation phase provided limited effectiveness in explaining, confirming or further evidencing conclusions associated with the questionnaire and inter-group comparisons. Whilst observation is seen as an important element in illuminative evaluation, its significance in this project is substantially reduced. Issues can be identified by this means, but in this project the researcher was already a knowledgeable insider as discussed earlier. Clearly an outside researcher would need to observe for long periods in order to understand how, for example, the current matter is conducted and how the students perform the work. This is already within this insider's knowledge and experience enabling these processes to be described and explained.

For a detailed description of the process Vide 1.3.1.

4.4.5 Triangulation and Verification of Data - Additional Data.

Triangulation has been defined as - "the multiple employment of sources of data, observers, methods or theories" (Bednarz, 1983:38 cited by Greene & McClintock, 1985, 523) in investigations of the same phenomonen. Triangulation as a means of verification has been used throughout this project such as in relation to prior observations made by this researcher being clarified by the questionnaire findings.

The student interviews referred to in Para.4.4 were aimed essentially at a deeper understanding of the answers given to the questionnaire. Question 11 was added on the basis that it was a topical issue identified as then current in staff discussion. Question 13 was added as an attempt to tie down what students saw as the main source or sources of learning. These questions if included in the questionnaire would have made it longer than was desirable. These interviews provided a means of triangulation with the questionnaire and observation. They also overcame anomalies in student answers to the questionnaire. (Vide Para.4.8 as to checks for bias).

4.5. Selection and Structure of Groups - Current Matter Streams.

The four groups were selected by first listing the 14 full time instructors in the litigation section of the College and selecting two by use of random numbers. The same procedure was adopted to select two of the 12 fulltime property-commercial instructors. Part-time instructors were excluded as most groups are taught by a single instructor. The random selection process was used to avoid any possible bias in deciding which instructors to select. The students within each group were selected generally by the college seeking to distribute students from each institution and according to sex, as set out in Para.4.2.2. As to problems with the selection process discussed in more detail, vide para.5.2.

Two current matters were evaluated, one involving a real estate transaction and the other involving a civil litigation matter. There are four phases in the course and each current matter was evaluated at different times within the same course i.e. in the first and third phases. Phases 1 and 2 make up one segment of the course and pnases 3 and 4 the second segment. Approximately one-half of the student body was involved in litigation in the first segment and the other one-half in property/commercial/administration of estates. Each half changed over after the end of a segment (i.e. phases 1 and 2). One stream for this research was involved in Real Estate (1st phase) followed by Civil Litigation (3rd phase) and the other stream Civil Litigation (1st phase) followed by Real Estate (3rd phase). The current matters under study are not conducted in the 2nd and 4th phases of the course.

In the first of these streams (Vide fig.4.2) each student in the first phase (as a member of a legal firm of four or five students and as part of the group of fifteen students located in one group room), acted as solicitor for a vendor in one real estate transaction and as solicitor for a purchaser in another real estate transaction (suburban dwellings). Each student at this stage of the course was taught by an instructor specialising in Commercial, Real Estate and Administration of Estates Matters.

In the third phase the students in another group acted as solicitor for a plaintiff in one matter and as solicitor for a defendant in another matter. A litigation instructor then taught each group. The third phase groups were not identical to the first phase groups (except for one or two students) as students were re-allocated at the end of each phase. There was a time gap of six weeks between the end of phase 1 and the commencement of phase 3. There were six weeks in phase one. In each segment of the course the real estate and the litigation current matters the subject of this research are the first such matters attempted by the students.

In the other stream the whole process was reversed, commencing with litigation.

	Phase 1 Segment 1	Phase 3 Segment 2
Stream 1 - One half of student body	Real Estate C.M. (RE/1 group)	Civil Litigation C.M. (CV/2 group)
Stream 2 - Other half of student body	Civil Litigation C.M. (CV/1 group)	Real Estate RE/2 group)

Figure 4.2

Streams and Phases of Course Showing Identification of Current Matters (C.M.) and Student Groups

The allocation of the students for their current matter roles is done intra-group. The only inter-group activity involves the selection of witnesses for the arbitration hearing in the litigation matter.

4.6 Precautions as to Reliability and Validity

Conditions that threaten to jeopardise the reliability and validity of research that is purely experimental in nature, appear to apply equally to research of the nature of this study. Reliability of the study has to do with replication. External reliability deals with whether independant researchers would discover the same phenomena and internal reliability deals with other researcher's matching a set of previously generated constructs with data in the same way as in this project. Similarly validity is to do with accuracy of the findings and should be established such as by careful description of the manner in which the effects of the observer are neutralized in student observations. (Le Compte & Geotz, 1982:31).

Parlett (1977:38) refers to the need for the study to be objective and capable of public verification. Parsons (1976:131) speaks of the need for the researcher to be sensitive and receptive and for interpretation to be reflective. Paragraph 4.9 (Post) of this chapter is aimed at establishing external reliability in the above respects and this is supported by detailed reporting of findings. Conclusions and instruments have been verified by submission to independent sources, as described fully where appropriate throughout this report. This study should satisfy the more searching criterion of Parlett (1977:40) as to increasing sensitivity and insight or changing the way in which things are looked at or illuminating matters previously confusing. To this end both findings and supporting evidence have been presented in detail. Participation has been carefully described and there has been monitoring and checking for bias to the extent that this is possible.

This research project seeks to provide all those distinctive contributions identified by Parlett, (1977:154) and set out in para.3.4. By the use of triangulation (Vide.Para.4.4.5) external validity should be ensured. By carefully describing selection methods, instruments and settings replication should be possible.

4.7 Ethical Considerations

Nothing in this research project has been covert. The nature of the project has been discussed with the administration and with those instructors whose groups were involved. The instructors were informed as to the manner of their selection and their consent was sought to conduct the field work within their groups and they were assured of confidentiality. In this latter respect they were given the opportunity to exclude any student comments or observations or any conclusions in any way detrimental to their respective reputations or breaching their confidences.

There was regular dialog between the instructors and this researcher to ensure that they were fully informed of what the researcher was doing.

A set of notes was prepared so as to provide some consistency for the introduction of the students to the research project. (Vide Appendix B). The students were fully informed at the outset and assured of confidentiality. Law students would, hopefully, more readily accept assurances of confidentiality from an experienced legal practitioner. They were assured that the individual results of the tests would not be made available to the institution and would not be taken into account in their course. They were told that they could speak freely in interviews. A system of coding was devised to assure anonymity.

The research results will be made available to the Director and his administration for comments and criticism before any publication takes place, beyond discussions with the thesis committee. Confidentiality is maintained throughout the total project and in relation to publication of findings, in that students are identified by code only. Instructors names are not recorded and where there are student comments that may be personal to a particular instructor, permission of that instructor to publish has been sought.

4.8. The Researcher

It is necessary in considering the views expressed by the researcher to be fully aware of the nature of his experience and of any bias he may have brought to this project. Malcolm Parlett and David Hamilton (1972:26) point to the need for researchers involved in Illuminative Evaluation to have ".....a sense of responsibility similar to that pertaining in the medical profession", and in this context there would appear to be little difference with the legal profession. They refer to "professional standards" to ".... becoming knowledgeable insiders" and to the need for the investigator from the outset to clarify his role; "to be open to the aim of the study ....." (1972:26). It is clear that this researcher should state his position.

This researcher had experience in legal practice for the twenty six years before commencing teaching and is now a Senior Lecturer having been involved as the head of the Property, Commercial and Administration of Estates section of the College of Law course, Sydney. He has been teaching in the course for over thirteen years. This immediately indicates the need for a close consideration of bias.

It is submitted that a close knowledge of a course to be evaluated can only be a great asset provided proper checks and assurances are evidenced. This researcher is already the knowledgable insider, but keeping sufficient distance to raise telling questions. (Parlett & Dearden, 1977:36). He has available a much closer knowledge of the structure of the course and its workings, than is possible for an outside researcher, present only for a limited period of time. The researcher is certainly familiar with the setting as required for an illuminative evaluation. The problem is that there may be considerable difficulty experienced in detaching oneself from the day to day politics and pressures associated with the course.

It has been interesting to come to the realisation that, although involved in teaching in a course for so long, this researcher has not previously been given the opportunity to stand back and look closely at what is taking place in front of him. With two twenty-four week courses in which to teach and to administer each year and with continuous assessment as a requirement of these courses, one has been always too involved. Little has been known about the true nature of the students in front of this teacher, let alone their real motivations, their acceptance or rejection of the teaching methods and their learning processes. It has not been possible to bring at least a conscious bias to something that one had not had the opportunity to consider in any great depth.

Boud, Keogh & Walker (1985:18) point out in relation to reflection (Vide, Para.2.3) that it is only when we bring our ideas to our consciousness that we can evaluate them and begin to make choices about what we will and will not do.

Progressive focusing on issues, based on this researcher's wide experience in the area of the study, first become evident in the items chosen for response in the questionnaire.

Whilst this researcher is interested in and sees the strengths of this particular form of experiential learning, this interest is not such that he is unable to set it aside to find a better teaching/learning method if it is available. The method has already undergone considerable change to the extent that there is a move away from a faithful simulation of practice to methods that should result in greater learning. If the current matter process, which is the basic teaching/learning instrument adopted by the College, can be discounted, then many changes in the course can be implemented, that will certainly lighten the considerable demands made of the teaching staff.

There is a real value in testing the process in as unbiased manner as possible in the interests of innovation. The legal process in which the researcher has been involved now for thirty-eight years, of its nature requires the weighing of evidence the submissionof reasoned arguments and the removal of bias at expense of an otherwise lost litigious action or negotiation. A lawyer is constantly required to deal with facts in an unbiased manner. It is dangerous as a lawyer not to be able to appreciate and weigh opposing arguments. This researcher does not consider that these skills have been suddenly lost in the course of this research project.

It will be noted later that as a means of checking bias on the part of this researcher, particularly as head of the Property/Commercial section of the course, each test set was checked by three instructors and each conclusion of a qualitative nature was submitted for approval or rejection by a competent solicitor/instructor in the litigation section of course. This research report will also be open to scrutiny by any interested reader in that it will be capable of being verified in many respects by the workings behind conclusions being reported.

Again this researcher's experience in the area of this study has assisted in his being able to progressively focus on issues that have arisen and which are made the subject of the questionnaire and interview questions. As indicated in para.3.5, broad questions have been included to elicit general comments and criticisms that might not otherwise have been identified. It is noteworthy at the outset that the responses to the broad general questions did not bring forward new facts upon which to focus, except possibly to more clearly identify issues such as, timing in the course and the value of contact socially between students. There is also some limited comment (6 responses) as to the school like environment. (Vide Para.8.5). Instructor inconsistencies are mentioned by only three students within one group. The first three matters referred to above are mentioned in the responses to Question 16 of the questionnaire (Vide Appendix J). In accordance with the dictates of illuminative evaluation, this researcher has not presumed to make the decisions, but rather to present the data and as much of the evidence within this thesis in a manner that will also be acceptable to lawyer/educators and facilitate the decision making processes.

Finally it should be stated that before this project commenced this researcher held the view that experiential learning was successful in teaching practical legal work, but this was based partly upon his recognition that much of what he had learnt in his early experience as an articled law clerk could still be recalled in some detail. There was no more than a strong impression that the actual experience with its success or failure and with its attendant consequences for a client caused him to retain this learning in a way that would not otherwise have happened. In the course of this project what was previously an impression developed into a closer understanding of the process of experiential learning and its application in practical legal training.

CHAPTER 5

Student Entry Profiles

5.1 The Nature of the Data

A considerable amount of useful information was already available in the form of entry data obtained from the students for enrolment. The aspects of this data adopted for this evaluation are -

Permanent Address
Date of Birth
Sex
Graduating Institution
Academic Attainment
Nature of Course
Prior Work Experience. Legal/Non-Legal.

Other more general entry data such as, the date of completion of the law course, the subjects completed for the law degree, the names of employers, dates of employment and job titles, are also available but have not been included in this project. The great majority of students complete the College of Law course within a reasonable time of completing their law course.

The Student Entry Profile form (Appendix C) was accordingly prepared and completed from the data available on the application for admission form (Appendix D), to record what were perceived as the more relevant particulars for the purposes of this research. All the data were carefully transcribed from the College records. The student particulars as completed from the the student records, were checked with the students to ensure as far as possible that the data were accurate and to differentiate between full-time and part-time employment. It was necessary to interview some students in order to complete their academic results to the extent that these results were unknown by these students at the time the application for admission (Appendix "D") was completed.

Student names were coded for the purpose of confidentiality. The coding was done on a basis that would confuse any student seeking to interpret it. Obviously the method of coding cannot be described or this ethical requirement would not be fulfilled. The students are ultimately numbered 1 through to 56 in the recording of results.

There was some difficulty in recording the academic results, as not all institutions awarded high distinctions. Only seven students were awarded high distinctions and of these four students each received only one high distinction. Two students received two high distinctions each and the remaining student received three. (Vide Appendix K - Table 4) A high distinction was accordingly given the same weighting as a distinction in calculations referred to in para.6.3.5 post. It was possible to identify passes, credits and distinctions for each student. This does have inherent problems associated with it in that the awards of one institution may not equate to those of another.

The inclusion in this thesis of the above data and the analysis that follows in this chapter, provides a background to the more specific nature of this evaluation related to the current matters. Consideration of these current matters and the student attitudes to the course, together with the experiential learning aspects of this research, would be lacking in texture and depth without these data. Apart from this, some of the data provides scope for important correlations and conclusions that follow.

5.2. The Sample and Population.

There are 53 students in the sample as indicated earlier. The selection and structure of the groups is covered in para.4.6. Three students appear both in a real estate and in a litigation group. This accounts for the ultimate reduction in the sample from 56 to 53. (see below) 285 students commenced the course, but two students left early before the first current matter, the subject of the research was commenced. Accordingly, for the first real estate matter, there were 283 students in the course, approximately half of whom were then in the litigation section. Two more students left before the first litigation current matter was researched, leaving 281 students at that time. Four more left before the second real estate and the second litigation matters were researched, leaving finally 277 students in the course for each of these. Accordingly the sample initially represents 18.7% of the population increasing to 19.1%.

It is argued that this provides a representative sample of the population except for problems referred to below. As regards the groups, the evidence obtained may well provide interesting interpretative data from the point of view of an illuminative evaluation. Two students who were allocated to different groups, i.e.one in RE/1 and one in RE/2, were excluded from the original sample, leaving the initial 56 students. The former was excluded because he saw the project as an intrusion into his privacy and accordingly there was concern as to the accurate nature of his answers. In the pre-test and post-test, which were administered to this student, he had one answer correct in the pre-test and two answers correct in the post-test. The latter student was excluded because she was away ill during most of the period in which the current matter was conducted and accordingly was not subjected to the same conditions as the other students. Due to the nature of the allocation, as actually encountered, two students in the RE/1 group appear again in the CV/2 group and one student in the CV/1 group appears in the RE/2 group. A higher degree of accuracy has been maintained by also excluding these students from the second group in which they participated (i.e. student nos.23, 49 and 54).

The computer programmer for the course advised that students from the various institutions are spread as equally as possible between the student groups, whilst also satisfying the requirement of an even distribution of males and females throughout the groups. After the first phase of the course there are the added criteria that a student should have a particular instructor in one group only and a student should not be subjected to a group room without windows more than is reasonable in any course. This latter category would affect the selection of the phase 3 students, this research having been conducted in phases 1 and 3 of the course.

Notwithstanding the above it was noted during the period of observation that the CV/1 group appeared to be fairly unique. When this was investigated it was found that of the 7 Solicitors Admission and Barristers Admission Board (a non-university body providing qualifications for admission) course students in the sample, four were in this group (i.e.instead of 1 or 2) as was 1 of 4 Australian National University students and 1 of the 2 "other" students (See para.5.5). There were only five females in this group of 15 students (i.e.instead of 6 or 7 to be consistent with the sample). There were 6 females in each of the other three groups where there should have been 5 or 6 to be consistent with the sample. The numbers of students from other institutions that should be in this group to be consistent with the sample are as follows - Sydney University 3-4, University of NSW 3-4, Macquarie University 2-3 and Institute of Technology 0-1. There are in fact 3 students from each of the first three institutions in the group and none from the last mentioned. Individually, none of these figures are markedly different from the sample as a whole, but together they do cause concern as to the accuracy of the selection process. The mean age of 26.6 years is fairly consistent with the sample mean of 27.4. No students from the CV/1 group were excluded. By adopting a naturalistic approach as part of the illuminative evaluation, it is possible to find "discrepencies between what is supposed to happen and what in fact happens at the level of day-to-day activities". (Parlett, 1985:2397)

The figures for the CV/1 group, above, do establish that this intact group is not truly representative of the sample and there are apparent problems with the selection process. The sample is of itself not truly representative of the computer selection process for the course in that students have been excluded for research purposes from the original group as explained above. There may be a similar problem affecting the validity of relating the sample to the population. (Vide also para.5.5) This also establishes the artificial nature of results that might have been obtained by a random selection of students, without taking into account the group factor. The other three groups, that is other than for CV/1 are consistent with the sample, except that the CV/2 group has 2 Institute of Technology (now University of Technology, Sydney) students instead of 1, whereas CV/1 and RE/2 groups have none of these. Also the RE/2 group has 2 Australian National University students instead of 1 (one of these should be in the CV/2 group). Notwithstanding all the above, whilst random selection is not and cannot in such research be present, the groups do, nevertheless, contain a mixture of students from different institutions and a mixture of males and females as reasonably consistent with the overall selection for the College, except possibly in relation to the CV/1 group. (Vide.Paras.5.4 & 5.5)

It is to be observed that the recording of data is substantially in narrative form. In an illuminative evaluation the investigation and interpretation must be recognizable and useful to those for whom the study is made (Vide.Para.3.4). In this instance the evaluation is made primarily for the benefit of lawyers involved in education and lawyering constantly involves the narrative form.

5.3. Age

The age distribution of the sample is shown in Appendix K (Table 1).

The mean age of the students in the sample is 27.38 years, which is likely to be considerably higher than may be assumed by instructors at the College in dealing with students direct from their law courses. The ages span from 23 to 55 years with representation in most age groups from 27 years to 35 years, but then tapering off towards the 45 year age group. The mean age for the females is the same as that for the males.

5.4. Sex

The figures for distribution by sex are shown in Appendix K (Table 2). (It may be of interest to note that for the Jan-June course in 1989 the intake was 183 males and 162 females). When compared with the statistics kept by the College for the course, the following comparison between the sample and the total course intake (285) is provided. Females - 43.4% of sample and 43.5% of intake. Males - 56.6% of sample and 54.4 of intake. (Note - The college figures are inaccurate to the extent that the numbers shown in each of the above categories total 279 instead of 285. 279 students are shown as completing the course).

5.5. Institution from which Legal Qualification was Gained.

The distribution of the sample between institutions is set out in Appendix K (Table 3).

The only numbers that are large enough to provide any data that might add to interpretation are those from the first three listed universities shown in the table.

5.6. Academic Results.

Set out in Appendix K (Table 4) are the numbers of high distinctions (HD), distinctions (D), credits (C), and passes (P) awarded in law or law related subjects to students in the sample. The top row shows the number of each award received i.e. 4 students received one high distinction, 2 received 2 etc.

From the summary in Appendix K (Table 5) it can be seen that 7 students received one or more high distinctions, 38 received distinctions etc.

High distinctions are by no means a common award in that only three students in the sample received more than one. 129 distinctions amongst 53 students indicates that such an award is not exceptional, the 38 students each receiving on the average 3.4 distinctions. 15 students were not awarded a distinction whereas only one student did not receive a credit. The Solicitors Admission and Barristers Admission Boards and Macquarie University do not award high distinctions. Seven students fall within this latter category.

5.7. Nature of Prior Course - Academic Qualifications.

Not many students now complete a law course solely as opposed to a combined degree. Whilst this was known, the figures shown in Appendix K (Table 6) may otherwise be illuminative for the College and more importantly are of value for this study in establishing the diversity of effects upon the students in the sample.

The vast majority of the students are completing arts/law combined degrees. Those parties interested in this evaluation would probably have expected that many more students were completing commerce/law combined degrees as was apparently so earlier. There are no science/law graduates identified in the sample and only one jurisprudence/law graduate.

5.8. Prior Work Experience.

5.8.1 - Legal Work Experience

Set out below are the numbers of students who fall into a number of different categories numbered from 2 to 35. (The effects of prior work experience provide important data for interpretive purposes and accordingly these tables are set out below.)

Table 5.1.

Categories Of Prior Legal Experience - Student Numbers.

	Prior_Leg										
	2	3	4	5	10	14	15	25	34	35	Total
	10	11	3	5	18	1	1	2	1	1	53

The categories are as follows -

1 - Less than 3 months full time (F.T.).

2 - 3 months and less than 1 year F.T.

3 - 1 year or more F.T.

4 - Less than 1 year part time or casual (P.T.).

5 - 1 year or more P.T.

10 - No prior legal experience.

Thereafter the categories become combinations of the above e.g.14 = less than 3 months F.T. together with less than 1 year P.T. No students in the sample have had less than three months full time legal experience solely.

It was found that in the difficult task of arriving at meaningful categories, the mixture of full-time and part-time work made interpretation difficult. This was ultimately made more complex by the mixture of both legal and non-legal work experience.

34% of the sample (the largest group) had no prior legal experience and this will probably produce definite effects on a professional legal training course based on experiential learning by simulation. It may be difficult for these students to relate effectively to that which they have not experienced or it may be that they can adapt and find the course easier because of this. (Vide Table 9.1) It may also be that those with experience see the course as unrealistic. Of the 35 students who had prior legal experience, 10 of these had less than one year's full time experience. Two others added to this full time experience, a year or more part time legal experience.

13 of the students in the sample had at least one year or more full time legal experience. Two of these could add to the full time experience some part-time legal experience. This second largest group represents 24.5% of the sample.

The experience of this group must also have significant effects on the course in that such a large proportion might be expected to possess some fairly fixed attitudes towards practice and the manner in which it might or should be conducted. These fixed attitudes might be in conflict with those represented to students at the College.

All of the data in relation to prior work experience whether legal or non-legal are valuable as an insight into the prior experiential learning of the students and the possible effect of this upon such a course conducted by simulation.

5.8.2 - Non-Legal Work Experience.

Some students have had work experience, which is not of a legal nature. This is shown in Table 5.2.

Table 5.2.

Categories Of Prior Non-Legal Experience

Student Numbers.

	Prior_NON									
	2	3	5	10	14	24	25	34	35	Total
	2	14	18	4	1	2	3	1	8	53

The categories for non-legal experience numbered 2 to 35 are the same as those for legal experience above.

Many more students (49) have had prior non-legal experience than those with legal experience (35). Only four students in the sample had no non-legal experience. A further check established that only 3 students in the sample had no prior work experience of any nature.

Again, in the non-legal category, there are no students with less than 3 months full time experience solely in non-legal work and only 1 student who fell into this category with less than 1 year's part-time experience to add on to this. Students who do non-legal work are so engaged for at least three months or more. Whilst only two students had between 3 months and 1 year full time experience, 5 more had this experience together with part-time experience. A large group of 23 students had non-legal work experience of 1 year or more full-time and of these, 8 students could add to this, substantial part-time experience of one year or more.

Whilst it is of importance for this project to be able to draw upon prior legal experience, in making conclusions, it is also important to make observations as to the possible effects of non-legal work experience where appropriate.

5.8.3 - Work Experience/Institution.

A further break up of the work experience according to the institution in which a student's law degree was awarded, provided two tables which are set out in Appendix K (Tables 7 and 8). This information may be of interest to the

College as part of the illumination, although not of direct importance for this project.

No students fall into category 1. Categories (Column 1 of Tables 7 and 8) are set out at 5.8.1. Eight of the 14 students from the University of NSW (NSW) had no legal experience, whereas 3 of the 13 students from Sydney University (SU) have no such experience. By comparison all the NSW students have had prior non-legal experience and all but one of the SU students have had such experience. This is noted as of possible significance to the College as part of the illumination.

It is of interest to note that 5 of the 6 Solicitors Admission Board (SAB) students have had legal experience of 1 year or more full time. 1 SAB and the only 1 BAB student have had no legal experience. All but 1 of the SAB students had also non-legal experience. The BAB student had more than 1 year's non-legal experience. The remainder of the figures can be clearly ascertained from the tables.

5.8.4 - General Comments and Conclusions Concerning Work Experience.

The prior legal experience was gained in most cases within legal firms and significantly through "summer clerkships". These are work experience periods arranged by a university. A significant number of students obtained legal experience though working at legal centres and a smaller number through working with such bodies as a bank, a government insurance office or the legal section of the tax office or an education office. One student had as much at 7 years and two others as much as 5 years full time legal experience in legal offices; these were exceptional. One other student in the sample had 7 years part time experience in a legal office. Yet another student had 6 years part time/casual work as a registration clerk and another 10 years in a law stationer's office. The non-legal work consisted of a substantial amount of waitering, clerical and sales assistant positions.

Some of the mature age students had non-legal work experience extending over considerable periods and as much as 26 years. Nearly all students' experience extended over a period of years of at least part time work, but the majority had worked in full time employment for extended periods.

This illuminative data has been of relevance in interpreting test results Vide Para.6.3.6.

5.9 Summary

The course entry data analysed in this chapter bring out a number of important considerations for the institution under study and these are summarized as follows:

- The number of females attending the college is approaching the number of males.
- The majority of the students come from four law courses namely, Sydney University, University of New South Wales, Macquarie University and the Solicitors Admission Board. High distinctions are awarded sparingly in law courses, whilst distinctions are by no means exceptional amongst such students. (The reason for such good results may well relate back to the Higher School Certificate cut off level for entry into law courses).
- The vast majority of students complete the arts/law combined degree course.
- Approximately one-third of students have no prior legal experience or more positively two-thirds do have prior legal experience and most of these have had 3 months or more full time such experience.
- 24.5% of students in the sample have had one year or more full time legal experience.
- A very substantial number of students may already have formed some fixed attitudes towards legal practice before attending the college.
- Only three students in the sample have not had work experience of any nature.
- As a student group the sample evidences substantial work experience.
- All S.A.B. students except for one have legal experience of more than one year.

- Almost twice as many students from Sydney University have prior legal experience than those from the University of New South Wales. (It should be noted the student numbers in these sub-groups are not large.)

As to the significance of prior work experience to the experiential learning of the students Vide Para. 9.1. and 9.2.5.

CHAPTER 6

Measurement And Analysis of Student Learning.

6.1. Setting the Tests

It was decided that a criterion referenced "closed book" test would be appropriate to test a student's increase in learning measured at the conclusion of a current matter. A criterion referenced test is particularly appropriate to test legal knowledge and the performance of legal tasks taught by the experiential method (Keeton, 1977:15). The intention was to test the students' ability to complete the procedural steps in the current matter without error as to the process itself and/or as to the application of the substantive law supporting this process. Norm referenced testing accordingly appeared to have little application as the ability to perform the task without error is the requirement for practice. It is suggested that to some extent a criterion based test such as has been adopted for this project measures skill and understanding to the extent that the necessary understanding and the performance of the skill is inextricably bound up with the knowledge upon which that understanding and the performance of the skill is based.

It was considered that an open book test might not truly test the teaching/learning of itself, but rather the ability of a student to use resources effectively. The objectives for the course require not only the doing of the work, but also evidence of the necessary understanding. The standard is that which might be expected of a new practitioner. It was considered that a test requiring short answers only, would be effective.

The tests fulfilled important functions in this research project by providing the data necessary to investigate such matters as -

(a) The measurement of learning that took place in each group.

(b) Comparisons to be made between groups and areas of work.

(c) Comparisons related to entry variables such as -
    Institution
    Sex
    Age
    Academic achievement
    Prior legal and non-legal work experience.

(d) The relationship, if any, between test results and the qualitative data relating to motivation and course processes provided by the questionnaire.

The materials usually given to the students for each current matter consist of a student's set (setting out the procedural steps for the current matter with direction and guidance as to completion), departmental or court forms, instruction sheets for recording client instructions, check lists and other forms used in practice for the completion of such matters. The student's set leads a student through the matter step by step. The materials are supported by "practice papers" of considerable size and content, which advise in detail as to practice in such matters, including such law as is relevant to this purpose. There is a civil litigation practice paper that covers the completion of a motor vehicle accident claim and a number of real estate practice papers covering such matters as, obtaining instructions, acting on a conveyancing sale and purchase, the contract of sale used in the latter type of matter, registration forms and departmental enquiries. The abovementioned practice papers are a small portion of the total number of substantial practice papers issued to the students as support materials. The practice papers are written by legal practitioners experienced in the relevant fields and in the case of the motor vehicle claim paper, it is related directly to completion of the type of matter required to be completed by the students.

The real estate practice papers are particularly designed to cover the conduct of such matters in more general terms.

The decision was made that the pre-test would be directly related to the current matters and that the post-test would be identical to the pre-test. This was done to provide a measure of learning that would be as accurate as possible. The students were not made aware that this would be the case.

Appendices E and F to this paper are copies of the real estate pre-test/post-test and the civil litigation pre-test/post-test. They were set by this researcher.

To ensure that both the litigation and real estate tests asked reasonable questions of the students, when related to completion of each current matter, and to ensure that as far as is possible the questions asked in the two different tests were of a similar standard, each test was checked by three other instructors. The litigation test was checked by three instructors from the litigation section of the College. Due to the student's set for the civil litigation current matter consistently requiring students to read portions of the practice paper, this paper was checked and found to contain the material enabling students to answer the appropriate questions. Each of the three litigation instructors, referred to above, had experience both as instructors at the College and of a substantial nature in practice. Each of the instructors also had experience in real estate, both in practice and in the course, and accordingly when questioned by this researcher each confirmed that in their respective opinions the two tests were of similar standard.

The same action was taken with respect to the real estate test except that the instructors were, because of their particular experience, employed in the real estate/commercial section of the College and they were not asked to express a view as to the comparative standards of the two tests. Few changes were suggested to the tests as initially set. This researcher has had considerable experience in teaching both litigation and real estate matters within the course. Each test was trialled by five students and student comments taken into account for the final papers as set.

The civil litigation test relates to a motor vehicle damage matter determined by arbitration, as does the current matter. The facts upon which the real estate test is based are also the same as those for the current matter. Whilst students in both matters were allocated different facts, e.g. in real estate three different titles were used, these subsidiary facts all fell within the scope of the matter as described at the commencement of each test paper. The students were requested on the paper, not to guess at answers in the interests of accuracy. In marking the papers it was to be noted, however, that a number of students did seek to answer questions where they were unsure of themselves.

Model answers were prepared for the civil litigation test and checked for accuracy by the same three instructors referred to above. Any necessary amendments were made. These tests were marked by this researcher. Model answers were not prepared for the real estate test, as this researcher marked these papers also and as head of the property/commercial section of the College was well experienced in this field.

The tests were marked individually and then each of the answers to a particular question as checked against each other to verify consistency of marking. Adjustments in marking were made accordingly where necessary.

6.2. Conducting the Tests

The pre-tests were handed to the students in their group rooms and completed immediately before commencing the appropriate current matter and the post-tests were similarly handed to the students and completed immediately following the conduct of the current matter. All students were advised that the test results would not be used by the College and were solely for the research project. They were assured of anonymity. There was no evidence of students cheating in any of the tests. There was an exception to the above procedure in relation to the RE/2 group due to this researcher being overseas when the current matter commenced. Explicit instructions were left with the instructor for this group to conduct the pre-test at the appropriate time. This was not done and accordingly the pre-test was administered after four days of the current matter was completed. The students were asked not to rely upon knowledge acquired within those few days in order to complete the test and it is interesting to note that the mean percentage result for the pre-test in this group is particularly close (within 2%) to that for the other real estate group. There is a note in the researcher's diary querying whether student No. 24 gave the post-test his best effort due to the quickness with which it was completed.

The criticisms of measuring "raw gain" made by such writers as Cronbach & Furby are noted. (Cronbach & Furby, 1970) They argued, initially, that gain scores obtained by subtracting pre-test from post-test give misleading impressions. Cronbach (1982:188) and Campbell (1957 & 1963 cited by Cronbach, 1982:189) have however tempered their views as to the usefulness of pre-tests. Cronbach (1982:190) expresses the view that because evaluators can make good use of information on initial characteristics, the burden of proof now rests on the designer who proposed not to collect such data on all units. In this research project, however, it is to be noted that the test scores are only one of a number of instruments providing data for interpretation on particular variables. In addition the post-test is identical to the pre-test and this reduces opportunity for error in measurement, although it must be accepted that the measurements are conducted on different occasions with their consequent effects. Cronbach (1982:190) points out that when one of the initial measures - a pre-test - resembles the post-test, that fact does not warrant analyzing the measure differently from other initial measures.

Problems associated with pre-existing knowledge is acknowledged and discussed where appropriate. The fact that there are four different teachers involved in this project of itself indicates that results must be interpreted carefully in the context of the essentially qualitative nature of this work. It is the qualitative and naturalistic nature of this study that caused the non-use of control groups.

6.3. Test Results

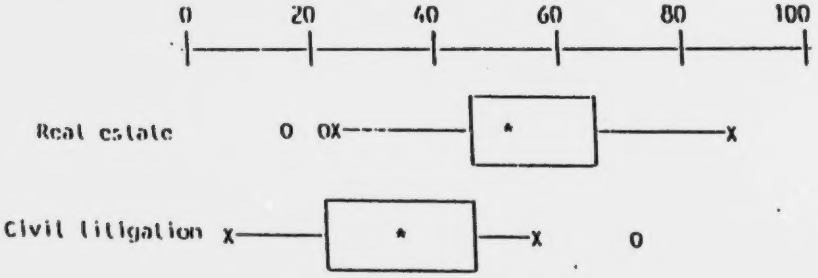
6.3.1. Individual and Group Comparisons - The individual results of the tests are set out in Appendix G to this paper. The first figure in each column in Appendix G shows the number of questions answered correctly and in the case of the last column, the increase in correctly answered questions. The second figure in brackets contained in each column, shows the equivalent percentage result for each student. The bottom row shows the totals and the percentages relative to the total number of questions in the test. It is likely that all instructors in the course will be disappointed with the percentage increases in learning. They likely would expect better results. In practice a solicitor cannot afford to make any mistakes. All the RE students passed viva voce tests administered by visiting legal practitioners towards the conclusion of the current matter. The standard of the viva voce assessment accordingly might be questioned.

Set out below is the summary of the percentage scores, the data for each student is set out fully in Appendix G.

Table 6.1.

Summary of the Gain Scores for All Students, for All Real Estate and All Litigation Students with Comparisons.

```
All students
               Size   Mean  StDev Min   LQ Median   UQ  Max
    increase     53 42.204 19.351 4.2 28.9   44.7 52.6 86.8

Real estate group

               Size   Mean  StDev  Min   LQ Median   UQ  Max
    increase     26 51.412 18.497 15.8 44.7   51.3 65.8 86.8

Civil litigation group

               Size   Mean  StDev Min   LQ Median   UQ  Max
    increase     27 33.337 15.921 4.2 20.8   33.3 45.8 70.8

 Comparison between groups

Number of dimensions:1
Number of samples:2
Test for equality of means -
t:3.81, df:51, s:17.25, Pvalue:0
```



x = highest and lowest data value excluding outliers
(o) being students with exceptionally high or low results.
UQ & LQ = upper and lower quartiles.
* = median score. The boxed area includes the central 50% of the scores.

The summary shows particulars of the gain in percentage terms for all students for the two real estate groups and for the two civil litigation groups. In deducting the pre-test result from the post-test result for each student, prior experience is excluded in determining the increase in learning, however, it must be noted that the higher the pre-test score the less is the potential for increase. By working on percentage results the differences in the number of questions in each test was accounted for.

The comparison between the two groups of results shows that there is clearly a significant difference between the two areas of work. The P value being less than .05 the hypothesis of equality of means is rejected. There is much less increase in learning taking place in the civil litigation matter than in the real estate matter. Whilst this is of interest in an illuminative evaluation as part only of the overall research process, it could not be relied upon without further research aimed specifically at this issue. The high standard of the result in the RE/1 group needs to be taken into account in interpreting the above difference.

One weakness, that will always be present, will be the problem of satisfying a critic that the two different tests covering different areas can be of a like standard. In addition whilst prior experience can be taken into account as indicated above, it may be that a student with prior experience has less to learn or may learn quicker because of the earlier experiential learning. Another significant problem is that the civil litigation matter is conducted over a period of 5 to 6 course days and the real estate matter over 9 or 9½ course days. More learning might reasonably be expected to take place over the longer period. Counter balancing this is the fact that the real estate test covered a wider area of learning and tested a matter which is considerably more complex.

By sitting in and observing the student as part of the illuminative evaluation, it was possible to see that the real estate students were considerably busier throughout the conduct of this matter, than were the civil litigation students. The students who increased by only 4.2% were in the CV/1 group and their results are significantly lower than that for any other students in that or other groups. The mean gain score for the CV/1 (See Appendix G) at 26.7% is considerably lower than that for the other three groups, but even if the two bad results are excluded, the mean for the remaining group of 13 students only becomes 30.1%. In observing this group it was noted that they were singularly more difficult for the instructor to control. The pre-test score for this group is higher than that for each of the other groups. It is to be noted that there is considerably more opportunity for growth in the CV/2 group than in CV/1 group, when pre-knowledge is excluded.

Table 6.2.

Test Scores According To Group.

The mean RE score is 51.4% and the mean CV score is 33.3%. (arrived at by adding scores of all students in each section and not the means for each group as shown above).

Comparisons between groups and course segments provide the following data -

Group	Segment	Pre/Test	Post/Test	Increase
RE. 1	1	31.5/12.8%	184 /74.5%	152.5/61.7%
RE. 2	2	36 /14.6%	137.5/55.7%	101.5/41%
CV. 1	1	41 /22.8%	89 /49.4%	48 /26.7%
CV. 2	2	16 /11.1%	76 /52.8%	60 /41.7%

The result columns show the total number of questions answered correctly for the group followed by the percentage of the total number of questions so answered as a percentage of the total number of questions. There were 19 questions in the RE paper and 12 in the CV paper. (Vide Appendices E & F). It is to be noted that the RE/2 group contained no students with particularly high pre-test scores, whilst there was one such student in each of the other three groups.

The CV/1 group, which was clearly the most knowledgeable before the current matter was conducted, when compared with the CV/2 group, was almost equally as knowledgeable after its completion. There was a significantly small increase in learning (26.7%) for the CV/1 group. As mentioned previously, this group was observed to be a difficult one for the instructor, although there was also less room for gain.

The RE/1 group achieved a singularly large increase in learning. It was observed that this group worked very hard at the instigation of an industrious instructor.

It is not possible to draw any meaningful conclusions from the test results themselves as between segments, due partly to the considerable differences between the two first segment groups. There are also a number of variables affecting the 2nd segment (Vide fig.4.2) groups as opposed to the first segment groups, not the least of which is the respective stages of the course. In the second segment by way of example, the students are far move conversant with course processes and procedures and accordingly complete the work faster.

One thing appears to be clear from the results and from this researcher's observations and that is that the instructor, or relationship of the group with the instructor can make a great difference in the post test results. (Vide also paras. 8.1, 8.7.3 and 8.8).

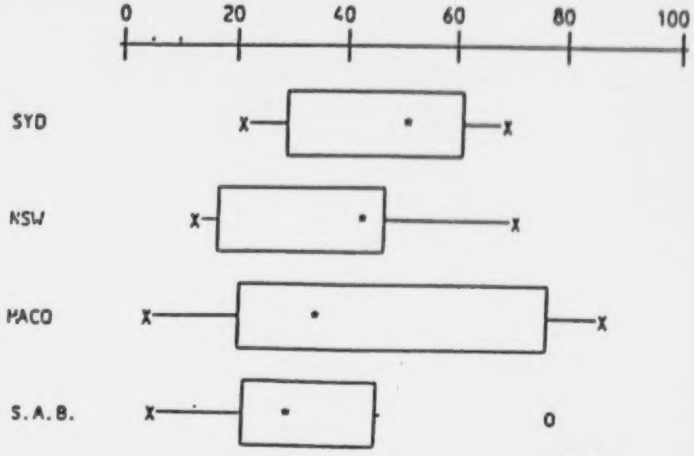
Accepting that a legal practitioner cannot afford to make any significant mistakes in practice, there must be cause for concern at the post-test scores, except possibly for the RE/1 group. It must be borne in mind that all tests were "closed book", (as explained previously), whereas a practitioner has his books and other resources available to him in practice. The fact that seven students could only gain less than 20% increase in learning and another nine students less than 30%, immediately after being exposed to the current matter, indicates that there are problems with the learning at the lower end of the scale. (It is to be noted that the three exceptional students who scored more than 60% in the pre-test are included amongst these. They had less to learn.) It may be that formal tests should be introduced. In the subject course, as seemingly in the case of other courses e.g. clinical studies (Vide para.2.3), where experiential learning is an element, assessment is not as rigorously conducted as perhaps it should. (Vide. para.9.6.).

6.3.2. Comparison Between Institutions - Set out in table 6.3 is the break up (according to institution) of the figures summarised in Table 6.1. The only figures that might be considered as indicating trends, are those for the first three institutions, as the student numbers for the remainder are too small.

Table 6.3.
Summaries Of Scores According To Institution.
(For Abbreviations Vide Table 5.3)

```
Insitiution = 1        SU

         Size   Mean  StDev  Min    LO Median    UQ   Max
           13 45.669 16.808 20.8 29.2       50 60.5 68.4

Insitiution = 2        NSW

         Size   Mean  StDev  Min    LO Median    UQ   Max
           14 39.071 18.644 12.5 16.7  43.75 47.4 70.8

Insitiution = 3        HU

         Size  Mean StDev Min   LO Median    UQ   Max
           10 42.88 28.18 4.2 21.1    35.4 76.3 86.8

Insitiution = 4        IT

         Size Mean StDev  Min   LO Median    UQ   Max
            3 49.5 6.802 41.7 41.7    52.6 54.2 54.2

Insitiution = 5        SAB

         Size  Mean  StDev Min   LO Median    UQ   Max
            6 33.95 24.809 4.2 20.8    28.3 45.8 76.3

Insitiution = 6        BAB

         Size Mean StDev  Min   LO Median    UQ   Max
            1 41.7     0 41.7 41.7   41.7 41.7 41.7
```

```
Insitiution = 7   ANU

         Size   Mean StDev  Min  LO Median     UQ  Max
            4 46.475 9.868 33.3  39  48.65 53.95 55.3

Insitiution = 8   Other

         Size  Mean StDev  Min    LO Median   UQ  Max
            2 43.75 2.899 41.7 41.7  43.75 45.8 45.8

Number of dimensions:1
Number of samples:4
Test for equality of means -
F:0.47, df:(3,39), s:21.56, Pvalue:0.69
```



There is not a great difference in the mean of the gain scores for each of the three major institutions, except between the University of NSW and Sydney University where the difference in the mean is 6.6%. When one considers that two of the civil litigation students increased by only 4.2%, then these must reduce mean scores. One of these students with a pre-test result of 25% came from Macquarie University and the other was an SAB student who achieved a high pre-test result (62.5%). The high standard deviations are to be expected.

An analysis of variance on the four larger sample sized institutions was performed and no significant differences were found.

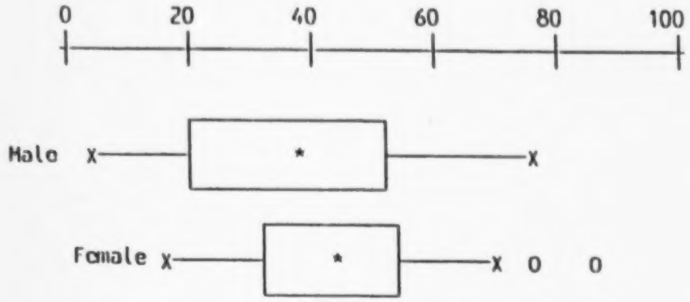
6.3.3 Comparisons According to Sex

A comparison between the results for the male and female students provided the following -

Table 6.4.

Scores According To Sex And Summary For Interpretation Of Analysis Of Variance.

```
Male

             Size   Mean  StDev Min   LQ Median   UQ  Max
increase      30 38.893 19.941 4.2 21.1    39.6 52.6 76.3


Female

             Size   Mean  StDev  Min   LQ Median   UQ  Max
increase      23 46.522 18.068 16.7 33.3    45.8 54.2 86.8


Number of dimensions:1
Number of samples:2
Test for equality of means -
t:1.43, df:51, s:19.15, Pvalue:0.15
```



The means indicate that the females on average are attaining a gain score of 7.6% greater than that for the males, however, with a probability value of .15 this result is not statistically significant. Regardless of this, the figures point to the possible benefit of pursuing this further. Is it that females adapt better than the males to the teaching/learning method of experiential learning by simulation? The standard deviations would indicate that there is little difference between the two in the variability of the results and that the females gain consistantly better scores than the males.

6.3.4. Comparisons According to Age Group

A comparison of the increases in learning for the group 24 years and younger with those 25 years and older who were regarded as more representative of mature age students. This provided the following result -

Table 6.5

Scores According To Age Group.

Agecat = < = 24

Size	Mean	StDev	Min	Max
26	7.077	4.197	0.5	16.5

Agecat = > = 25

Size	Mean	StDev	Min	Max
27	6.593	3.93	0.5	14.5

There is little difference between the mean for the students in the younger age group when compared with that for the older age group. The size of each group is similar. It may have been expected by some that the mature age students might show a better result particularly in a test related to experiential learning. A better result from the latter group would possibly accord with the views of Kolb & Fry (1972:42) as discussed in Chapter 2, and related to the hallmarks of true growth being complexity and the integration of dialectic conflicts. (With a cut off age of 30 years the means were 6.798 and 6.955. There were only 11 students 30 years or greater).

6.3.5. Comparison According to Academic Achievement

Distinctions, credits and passes were given weightings of 3,2 and 1 respectively and the high distinctions were regarded as distinctions. The total figure thus provided was divided by the number of courses. By this means a weighted figure could be attributed to each student indicating the student's level of academic achievement. When this figure for each student was correlated with the increased learning score or difference between the pre-test result and the post-test result as conducted at the College a correlation of 0.124 was attained with a P value of 0.379. There was accordingly no significant difference.

This result is interesting, as it indicates that selection of College students based on academic results would be useless as a predictor of probable success in the College course. This result is also important in providing some answer to those who would assert that there is in fact a clear negative correlation in evidence. It is also of considerable interest in terms of experiential learning, in that this is the method that has been adopted resulting in the course test scores. The move from the conceptual and generalization stage in the cycle of learning (Vide.fig.2.1) to the testing stage does accordingly appear to involve cogent differences as identified by Kolb's learning style inventory.

6.3.6. Comparisons with Prior Legal Work Experience

Set out below is the result according to the categories set out at 5.8.1.

Table 6.6.

Scores According To Categories Of Prior Legal Work Experience.

% increase	Prior_Leg Categories										Total
	2	3	4	5	10	14	15	25	34	35	
0	-	-	-	-	-	1	-	-	1	-	2
10	1	-	-	1	3	-	-	-	-	-	5
20	1	2	-	2	3	-	-	-	-	1	9
30	2	2	-	1	-	-	1	-	-	-	6
40	1	4	-	1	7	-	-	-	-	-	13
50	2	2	1	-	2	-	-	1	-	-	8
60	1	-	2	-	2	-	-	-	-	-	5
70	2	1	-	-	-	-	-	1	-	-	4
80	-	-	-	-	1	-	-	-	-	-	1
Total	10	11	3	5	18	1	1	2	1	1	53

By way of example from the table, 8 students increased their test result by 50-60%. 18 students or approximately one-third of the sample showed an increase of 50% or more. If this is taken back to 40% the figure increases substantially to 31 students. Again it should be remembered that the test was closed book although very proximate to the learning having taken place.

Five (27.8%) of the 18 students who had no prior legal experience gained 50% or more. 12 such students (66.6%) received 40% or more. Thirteen (37.1%) of the 35 students who had prior legal experience gained 50% or more. Nineteen such students (54.3%) received 40% or more.

From these percentage results it can be seen that 9.3% more of the students with prior legal experience are gaining a score of 50% or more. As against this 12.3% more of the students with no prior legal experience are gaining a score of 40% or more.

If one moves to the 70% or more level then there are 4 students with prior legal experience in this category to the 1 student without such experience. It is to be noted that the student with the highest gain score namely 86.8% is the one who had no prior legal experience.

6.4 Illuminative Summary

Taking into account the evaluative nature of this study, it is appropriate that matters of importance on this aspect of the study should be summarized, although some of these matters may also be of importance for experiential learning as such and these will be referred to subsequently.

- There are only four students whose pre-test result exceeds 40%.
- The gain scores provide a mean of 42.2% for all students.

- There is a significant difference between the gain score for the real estate students and the litigation students. The former are performing better.
- Real Estate groups were observed to be considerably busier than the Litigation groups.
- The mean gain score for the CV/1 group is considerably lower than that for the other groups, but there is less room for gain in this group.
- The RE/1 group with an industrious instructor achieved a singularly large increase in learning.
- Comparisons between segments in the course are unreliable.
- Based on mean scores it appears that the instructor can make a great difference to the learning that takes place.
- The post-test scores must be a cause for concern, except possibly for one group.
- Some students attained particularly low gain scores.
- There is not a great difference in the mean of gain scores for each of the three major institutions, except between the University of NSW and Sydney University. ANOVA proved equal.
- Females are attaining higher gain scores than the males by 7.6% on the mean although there was not a significant difference statistically.
- There is little difference between the mean gain scores for older students compared with younger students.

- There was found to be an insignificant relationship between prior academic achievement and test gain scores.
- Approximately one-third of the sample showed an increase of 60% or more in the gain scores.
- There does not appear to be a great deal of difference in the gain scores between those that have prior legal experience and those that have not, except possibly for a small number.
- The student with the highest gain score had no prior legal experience.

6.5 Implications for Experiential Learning

It is apparent that in testing for courses adopting the experiential learning method, criterion - referenced tests are appropriate for the reasons given in para.6.1.

The nature of the materials necessary to conduct such a course are substantial as indicated in that paragraph.

The very practical nature of the tests appropriate for a course of this nature are evidenced in appendices E & F to this paper.

The singularly good test result for the RE/1 group gives rise to consideration as to the importance of and the commitment required of a teacher in a course adopting the experiential learning method. It is clear that this group achieved considerably better and they did on observation happen to have a most committed teacher. Observations of this group (Vide para.4.4.4.) over the period of the current matter would cause this researcher to look to the dedication and consistent effort of the teacher in the teaching role, as the significant difference accountable for the result.

The lower percentage increases in learning for some groups and individuals must cause some concern as to the application of the experiential learning method by some instructors and give rise to some query as to the effectiveness of existing assessment methods for such a course. This also raises questions of staff selection and training.

The fact that the females achieved significantly better than the males in the practical course tests could find its base in the adaption of the females to experiential learning, however, this is not established and could be accounted for by a number of other variables. This was not pursued in this research project, except in relation to the environment where there is an indication that the females are less satisfied with the environment for learning. (Vide para.8.1)

The test results provide some indication that age difference, at least to the extent it is analysed in this project, does not provide a source for difference in adaption to practical experiential learning methods. There is a clearer indicator that students who are cognitively strong may not be experientially strong in that there exists a considerable gap between the two stages as discussed earlier in this chapter. Students who are strong cognitively may not adapt to the practical nature of the experienital learning as provided by a course such as that under study.

Finally it is noteworthy that those students identified from the base data who had the benefit of on the job experiential learning in a legal setting, overall did not score an increase in learning as well as might have been expected in the course. This could be explained by the fact that due to their prior experience they had less to learn. It is of interest that the student with the highest pre-test score over 60% gained 21% increase in learning being more than the other two students in this category and considerably more than one of them. It would appear that the potential for learning is there, but that the level of experiential learning in the course is pitched at those with little or no prior legal experience. Care must however be taken in interpretation as only three students in the sample had high pre-test scores.

CHAPTER 7

Data Collection and Analyses of Student Motivation, Attitudes to Employment and Competence.

7.1 Preparation of Questionnaire

A questionnaire (Vide.4.4.3. and Appendix H) was developed as a means of obtaining information about a large number of students. Most of the questions require the respondent to select from a five item rating scale with the highest value appropriated to the most positive response. (Berdie & Anderson, 1974). In some cases where ratings were not relevant, "Yes/No" responses were requested. As regards the questions themselves and their justification Vide in particular para.4.1.

In the spirit of illuminative evaluation a number of open-ended questions were included at the conclusion of the questionnaire. In addition to this, where a rating was requested, but to know the reasons behind a particular rating was relevant, an explanation was also sought.

The questionnaire was trialled using ten students in the prior course, five from the real estate/commercial section of the course and five from the litigation section. Following an analysis of the responses and comments of the respondents,and the assistance of an external adviser experienced in the use of such instruments, the questionnaire was re-drafted.

The items selected for inclusion in the questionnaire and referred to in 4.4.3, fall into general categories; 1) those related to motivation towards the course, 2) to employment prospects, work interests and perceived competence and 3) to the system or methods adopted at the College and in the course, including the environment. This latter part of the questionnaire included the general questions referred to earlier and one further question of interest related to the students perception of the relationship between academic learning and practice as experienced in the course. Almost every question in the questionnaire in one form or another is related to student motivation.

7.2 Administering The Questionnaire

The questionnaires were handed to the students as close as possible to the completion of the appropriate current matter. The students had the research project explained to them at the commencement of the current matter (Vide Appendix B) and were then assured of anonymity. The form does not provide for a name but rather for the insertion of a code. The notation at the top of the form again assures the student of anonymity. The questionnaires were not required to be completed immediately and if students wished to retain the questionnaire over night, this was agreed to.

This was done with the intention that if the students completed it when they were under less pressure, then more thoughtful answers might be provided.

Every student in the sample completed the questionnaire and was subsequently interviewed as early as time allowed. This was not ever more than a few days at most, except for one student from the first phase of the course who took just over two months to question, because of her non availability and this researcher's absence overseas. This student asserted that she was still able to answer the questionnaire with accuracy as if the matter had just been concluded and her answers were not excluded. Her test results were obtained at the correct time with the other students.

7.3 The Interviews

The interviews were aimed essentially at checking and expanding the answers to the questionnaire and at obtaining some additional data such as instructor effect on motivation, without making the questionnaire any longer. Instructor effect was better obtained by interview, when the student could be approached tactfully for such information on a personal basis. On some occasions the entry data were also checked with the students at the time of the interview. Appendix I to this paper is a copy of the researcher's sheet used for prompting questions and for taking notes during the interviews. The numbers shown in brackets on the interview sheet, indicate the related questionnaire question number.

It became clear, early, that some of the questions had little purpose and that in many cases the questionnaire had accurately elicited the relevant data. As a result Questions 1 and 12 were abandoned. Question 2 of the interview questions provides additional information in relation to Question 1 (a) of the questionnaire and in the interview this question was used to elicit from each student the source and nature of prior knowledge in relation to the course. This will be dealt with in conjunction with considering the questionnaire responses. The responses to Q's 3-6 inclusive and Q 8 were not pursued as not really adding to the questionnaire responses except perhaps to assist on occasions with interpretation, or were seen as over complicating these responses bearing in mind the short time students were available for questioning.

Questions 7 and 9 are self explanatory and are dealt with in this chapter together with the responses to the following questions. Question 10 is the question that was added to try and ascertain instructor effect. Question 11 is one of particular interest to the College for preparation of course material. Question 13 was also added as being of general interest to the College. Notwithstanding the reasons for including the latter two questions, it will be seen later in this chapter that they each provided data of particular interest relating to experiential learning.

The setting for the interviews was an empty group room with the student seated close to the interviewer and to the side of a desk used by him to support his papers. The atmosphere was very relaxed and the students appeared to be open in their answers, including comments made in respect of their respective instructors. Each student had opportunity to express his or her feelings in relation to any aspect of the College. In some cases they appeared to be freeing themselves of their frustrations with a particular instructor or the course.

In this research project, as mentioned earlier, the interviews are intended to be used essentially as support for the questionnaires and accordingly will be dealt with in that context where appropriate.

7.4 Method of Analysis

All answers were coded, where suitable, checked and entered into the computer. Codings were also provided where no answer was given or where a question was inapplicable. The test results had already been entered into the computer and accordingly could be correlated with each answer to the questionnaire.

The answers to those questions that provided for comments rather than for an answer that could be readily coded or included in a theme, were dealt with separately where considered necessary. (Vide para.7.5.2.post) In accordance with the illuminative evaluation method where description and interpretation are important elements (Vide 3.3.), meaning was not lost by seeking to code these answers for computer purposes. Rather the answers to each question were listed and checked carefully for such themes as identified themselves. The student numbers in support of each such theme were recorded. Variations on themes were also noted and recorded.

All the themes identified from the above answers were submitted to an experienced member of the litigation section of the College. This lecturer was asked to check the conclusions of this researcher and to look for any evidence of bias. This was seen as necessary partly because of this researcher's position as head of the property/commercial section of the College.

Some of the themes indicated differences in opinions of the students involved in litigation to those involved in property/commercial matters. Conclusions as to the cause of these differences or merely in the recording of some answers under one theme or another, could involve bias notwithstanding care taken by this researcher.

The reviewing instructor saw as his expressed task to check the answers in the questionnaires (questions numbered 1 to 24) and the interview questions together with the summaries, to discover whether there was evidence of any perceived bias by the recording of summary answers. He was aware of the researcher's position as head of the property/commercial section. In relation to the recording of only six answers did the instructor raise any query and these were discussed with him and he ultimately identified only one recording of an answer as such that it should be amended.

7.5 Presentation of Data - Response Themes

The responses to the questionnaire are both quantitative and qualitative in nature and will be dealt with together under appropriate fields of enquiry drawing upon the student profiles and test results where appropriate.

7.5.1 Plan of Presentation

Questions 1 (a), 1 (b) and 3 call for qualitative responses and questions 1 (b), 2 (b) and 17 call for responses that can be quantified. As all of these questions relate to motivation they will be dealt with under that heading. Question 17 is specifically limited to the litigation students.

Questions 4,5,6,7,8 and 9 can all be quantified and were each included in the questionnaire to provide data in respect of the nature of proposed employment and prospects of attaining this. This was seen also as an important element in relation to motivation. Some qualitative data in relation to Question 6 for reasons already given, are included in Appendix J. Question 10 which can also be quantified seeks to determine the students preferred area of work.

These latter questions will accordingly be dealt with in this chapter under the heading "Employment".

Questions 11 and 12 relate to students own perceived competence both before (12) and after (11) having completed the appropriate current matters. Question 13 has been included to ascertain the students perceptions of their increased knowledge and skills. Question 14 is solely designed to assist in taking into account the prior experience of the students in the areas of work under consideration. The above four questions including the explanations called for in Q's 11, 12 and 14 will be dealt with under the heading "Competence".

The following questions and responses will be dealt with in Chapter 8.

Question 15 and 16 (including explanations) relate to environment directly (16) or how well the student is working within that environment (15). These will be dealt with under that heading. Interview Question 7 will be considered in conjunction with this.

Questions 18, 19, 20 and 21 deal with the students acceptance or rejection of simulation as a method of teaching/learning and related to this the students acceptance or rejection of the current matter process. All aspects of the above Questions are dealt with under the heading "Simulation".

Question 22 was included in order to attain some insight into whether a particular student prefers performing practical tasks or the cognitive processes associated with research. The answer to this question may also give some insight into a students preferred learning style. The above question will be dealt with under the heading "Tasks v Research" (Vide para.8.3). Some comparisons involving mature age students, will also be reported (Vide para.8.4), before considering responses to the general questions.

Question 23 is aimed at seeking general comments in relation to the course and the college generally and question 24 looks for students perceptions of the relationship between academic learning and practice as experienced at the College. These questions will be reported under the headings "Student General Responses" and "Relationship To Academic Learning". Finally the responses to the interview questions that are not necessarily related to the questionnaire will be dealt with.

7.5.2 Reporting of Responses

Considering the overall qualitative nature of this research project and in the spirit of illuminative evaluation referred to in chapter three, an attempt will be made to preserve the richness of student comments. At the same time data will be recorded as far as is possible by use of themes (recurrent choices or expressions), to provide a means of arriving at summary conclusions.

An illuminative evaluation must take into account the requirements of those for whom the evaluation is most valuable. The senior administration of the College of Law and those outside the College for whom this project is of greatest interest are legal educators. It is not proposed to make recommendations for decision making as such, being inconsistent with a true illuminative evaluation method. (Vide para.3.4). The data will nevertheless be reduced by the use of the above themes, so as to provide material acceptable to the administration and other legal educators. The themes take into account, where appropriate, the interview responses related to a question. Legal practitioners of their nature look for ready means of coming to conclusions, conclusions, as they spend their lives reducing substantial evidence or facts to their important and relevant issues. They are required to give practical advice to clients. Long and detailed recording of narrative, as is commonly encountered in the recoding of such evaluations will be kept to a minimum. Where it is considered that themes could not encapsulate the important student comments or are such that a systematic reduction is not reliable or possible, then the summarized text of the student comments will be referred to or included in Appendix J and kept separate from the main text. In almost all instances it has fortunately been possible to reduce the vast quantity of data to themes. It should be stated that this researcher does take issue with those reporting illuminative evaluations, where copious detail of no apparent moment is included. It seems reasonable that an administrator or educator is entitled to expect better from the evaluator and to look for reasoned summaries. An holistic approach to major processes and issues seen as affecting an institution, as are the subject of this project, must by virtue of mere volume be reduced by some such means as has been adopted. The total data is of course available for verification and further investigation.

The quantitative responses will be reported in the usual manner by indicating and analysing numbers or percentages of particular responses.

7.6 Summary of Rated Responses

Listed immediately below for reference purposes are the means, standard deviations etc for each of the questions that called for a rating.

Table 7.1

Means And Standard Deviations for Rated Responses

Name	Size	Mean	StDev	Min	LQ	Median	UQ	Max	
1b	53	2.90566	0.96604	1	2	3.0	3	5	-0.
2b	53	2.77358	1.03108	1	2	3.0	3	5	-0.
8	16	4.43750	0.62915	3	4	4.5	5	5	-0.
9	24	3.95833	0.99909	1	3	4.0	5	5	-0.
11	53	3.56604	0.60477	2	3	4.0	4	5	-0.
12	53	2.18868	0.98169	1	1	2.0	3	4	0.
16	52	3.50000	1.00000	1	3	4.0	4	5	-1.
19	49	3.28571	0.95743	1	3	3.0	4	5	-0.

The means are included here for reference purposes and will only be referred to in the text if considered of importance.

7.7 Student Motivation

7.7.1. Motivational Means and the Effect of an Arbitration in Litigation.

Parlett & Dearden express the view that motivation scores, reliable though they be, are of negligable concern to teaching staff who have the tasks of actually instructing stimulating and organising "the educational shop". Little is known about how students set about learning and thinking in real life settings, as well as how transition is affected by different types of teaching. Students reactions to their instruction are therefore immensely complicated, subtle and individual. Parlett & Dearden accordingly find considerable difficulty in bracketing such matters together under the label "motivation". They refer to the effect of the environment, being the whole network of beliefs and assumptions, and as motivation being thought of as an inside-the-head determinant of behaviour. For them the educational context is at least as significant a determinant. (1977:151-152)

The rating of student motivation levels in this study, provides an initial indicator. Without this it would be difficult to know just how serious a problem this might or might not be. Accepting that motivation is a problematical concept, it would be impossible to interpret a rating on its own or to know what students mean by a high or low rating. In this project the complexity of student reactions to their instruction and the effects of the environment are looked at and analysed and the educational context considered.

Accordingly a more meaningful approach is adopted in relation to motivation and interpretation becomes possible.

It should be explained at the outset that an arbitration in the course, is in the nature of a court hearing, but conducted in the presence of an arbitrator rather than a judge. Rules relating to giving evidence are not strictly adhered to and the ultimate aim of the hearing is to arrive at a settlement between the parties.

The responses to Questions 1(b) and 2(b) of the questionnaire (Appendix H) provide the following results.

Table 7.2

Mean Group Ratings of Student Motivation Levels

Group	Before Course Commenced - Q 1 (a)	After Current Matter Conducted-Q 2(a)
RE/1	3.1	3.3
RE/2	3	3.1
CV/1	2.8	2.7
CV/2	2.8	1.8
All Students	2.91 (Median 3)	2.77 (Median 3)

The mean for the motivation level of all the students in the sample immediately before they commenced the course at 2.91 (Median of 3)is not very different from the motivation rating after the respective current matters were completed namely 2.77 (Median of 3). A difference of .14 is very low and would suggest that the course and the college are not adversely affecting student motivation. The motivation rating for 28 of the students was neither high nor low before they arrived and for 22 was neither high nor low after completing the current matter. The above indicates that the students are not particularly motivated when they arrive and remain so. This will be further analysed below.

Two of the groups were required to complete Q 2(a) of the questionnaire and to rate their motivation early in the course and the other two groups at a stage early into the second segment. (Vide Fig.4.2) The mean rating for each of these two groups is 3 and 2.5 respectively.

The figures shown in Table 7.2 would indicate that motivation has only appreciably declined during the course in one group. The mean for CV/2 litigation group is particularly low and possibly distorts the mean for the second segment. There has been a slight improvement in motivation in each of the real estate groups. The mean for the litigation groups following the current matter is 2.3 and for the real estate groups 3.2. Before the course commenced the motivation for the two litigation groups was less than that for the real estate groups.
(As regards motivation and perceived prior experience Vide Para. 7.9 post).

In reply to Question 17 (applicable only to the 27 litigation students) 10 students considered that the arbitration significantly improved their motivation. An equal number considered that it did not. 7 were undecided.

The motivation for the males was compared with that of the females and this provided the results shown in Table 7.3 over.

Table 7.3

Male/Female Ratings for Motivation Before and During Course

Q. 1b	SEX Male	Female	Total
Rating 1	2	3	5
2	6	3	9
3	15	13	28
4	6	2	8
5	1	2	3
Total	30	23	53

Chi-squared statistic:2.801, df:4, Pvalue:0.592

Q. 2b	SEX Male	Female	Total
Rating 1	2	6	8
2	5	5	10
3	14	8	22
4	8	4	12
5	1	-	1
Total	30	23	53

Chi-squared statistic:5.135, df:4, Pvalue:0.274

If ratings 3, 4 and 5 shown in Fig.7.3 are looked at together then it is found that 73.3% of the males fell within these ratings before the course began and 76.7% during the course.

The female responses dealt with in the same manner show 73.9% and 52.2% respectively.

Accordingly the motivation of the males based on the mean appears to be improving slightly, whilst that of the females is declining substantially.

7.7.2 Themes of Student Responses Generally - Reasons for Levels of Motivation.

Many responses did not fall into a particular theme. A particular student may have given a total response that fell into more than one category and accordingly the totals of the percentages shown can exceed 100 per cent. The percentages shown are those related to the sample unless the context clearly indicates otherwise. Not always did every student answer a question. Summaries for individual groups are shown in Appendix J where considered appropriate.

Q's 1(b) and 2(b) call for ratings whereas Q3 of the questionnaire seeks to ascertain the underlying reasons for such ratings.

What do you see as the reasons for the above levels of motivation? (Q3)

(a) Immediately before you commenced -

1.	Comments of past students.	20.8%(students)
2.	Comments of past students and the profession.	1.9%
3.	Another obstacle to getting into the workforce. Something that had to be done. A pre-requisite (to admission/practicing certificate/career).	5.7%
4.	Knew little about it. Did not know what to expect.	9.4%
5.	Understand the importance for career. Want to do well. Interested.	3.8%
6.	Had returned from overseas.	9.4%
7.	Lack of income.	3.8%

The subsequent interviews established that all but a few students had spoken to students from prior courses as to the College. At the same time at least 9.4% were uninformed as to the course. Only one student (31) referred to having spoken to academic teachers.

(b) Now - (Q3b)

Vide Appendix J for Individual Responses.

1.Sense of achievement.	3.8% (Both students in one R.E.group)
2.Interaction with group/students.	5.7%

3.Good instructors.	3.8% (Students in one R.E. group)
4.Preparing for practice.	9.4%
5.Interest in learning.	7.5%
6.The substantial nature of the work.	7.5% (All in one R.E.group)
7.Social aspects.	1.9%
8.Poor instruction.	11.3% (All in litigation groups)

It is difficult to identify repeated themes in answer to this question, except as shown above. The variety of the answers in itself indicates the complexity of the motivation issue. The largest number of student comments in the above summary involves only 6 students.

The responses have been identified as follows having in mind that motivation is the issue.

Positive (P) or Negative (N) Response (Vide Appendix J).

Positive - 18 (17 in R.E.groups)

Negative - 30 (23 in litigation groups)

Neutral - 4

(One student did not respond).

(c) What change(s) have or might improve your motivation? (Q 3c)

1.	Instructor attributes.	34%
2.	More relaxed, less work or less structured.	11.3% (All in one R.E.group)
3.	Treated as a child or similar.	9.4%

4.	More work/tighter schedule/ more competition.	5.7% (All in one one R.E.Group)

The identification of instructor attributes as the most repeated area for change leading to improvement in motivation, points to the importance of the course instructor in this respect. The classroom setting does cause some students perhaps to identify with their school education. A factor adding to this is the constant direction given by the instructor, which is to be compared with academic courses where the learners are traditionally more responsible for their own learning.

7.7.3 Student Perceptions of College Course Before and After Commencement.

How did you perceive the College of Law course immediately before you commenced? (Q 1a)

1.	Easy or not difficult	- 34%.
2.	A pre-requisite or necessary	- 22.6%.
3.	Easy until recently or more work now	- 22.6%.
4.	Boring or to be endured	- 15.1%.
5.	Reasonable amount of work or quite a bit of work	-11.3%.
6.	No preconceptions or unsure	- 11.3%.
7.	Social	- 7.5%.
8.	9 - 5 or no need to take anything home	- 7.5%.
9.	School like	- 3.8%.

How do you perceive the College of Law course now? (Q 2 a) (P = Response seen as positive. N = Response seen as negative).

1. (P) Not Easy - 3.8%.
2. (P) Hard work or very demanding - 11.3%.
3. (P) Much work - 5.7%.
4. (N) Boring or to be endured - 17%.
5. (N) School like - 5.7%.
6. (-) A pre-requisite or necessary - 9.4%.
7. (N) Social - 1.9%.
8. (N) Rushed - 3.8%.
9. (P) Practical - 5.7%.
10. (-) Unsure - 3.8%.

Totals

Positive (P) 14 + 15 = 29 (54.7%).
Negative (N) 15 + 13 = 28 (52.8%).
Neutral (-) 7 + 3 = 10 (18.9%).

The first figure in each row is the number of such responses that could be categorized and the second figure is the total of individual responses.

The responses to questions 1 (a) and 1 (b) are dealt with in detail in para. 7.10.1 post.

7.8. Preferred Employment - Satisfaction - Preferred Area of Work.

Twenty-eight students (52.8%) in the sample chose practice as a solicitor, as their preferred initial career choice. Two students chose two initial careers and accordingly there are 55 responses. Twelve students (22.6%) in the sample were undecided. Less students i.e. 4 were undecided in the early groups compared with 8 in the later groups. The numbers are small, but this could be an indicator that some students are changing their attitudes towards their careers as the course progresses. The other choices made are as follows :-

Admission to the bar upon termination of course - 2
Legal work in (i) Government instrumentality - 5
(ii) Accounting firm - 2
Legal work in (iii) Commercial enterprise - 0
(iv) Other - 3
Work outside legal work - 3
Admission to the bar within 5 years
after concluding college course (Q 5) - 9
(The last figure above includes the two students who chose the bar earlier)

Thirty-four students (64.2%) in the sample expected to like legal work and it is to be noted that after five years or so at University or other institution, 3 students do not expect to like it. Fifteen are still undecided. One student did not reply to this question.

Thirty-seven students did not add an explanation to this response. Those explanations given are varied and are set out in Appendix J.

Fifteen students (28.3%) had their specified and preferred employment arranged. 28 (See note below - more correctly 26 or 49.1%) did not and for 10 students (or more correctly 12 or 22.6%) the question was responded to as "not applicable".
(Note: As 12 students were undecided as to their initial career there is some inconsistency in the responses. A further check established that two students who were undecided in Q 4 (e) in fact answered "no" to Q 7 instead of "not applicable").

In the CV/1 group only one student was undecided as to initial career. There were at least three in each other group. In reply to Q 14, 7 of the CV/1 group saw themselves as having experience of substance outside the college in the work that they were doing.

Eight students (15.1%) were very satisfied with their arranged employment and 7 (vide below - more correctly 6 or 11.3%) were satisfied. One student was neither satisfied nor dissatisfied. No students were dissatisfied.

(Note: Again there is an inconsistency of 1 here and upon further check it was discovered that one "no" reply to Q 7 answered this question "satisfied").

It can be said that those who had the type of employment that they wanted, were generally satisfied with the job that they had arranged.

Of those who answered "No" correctly to question 7 i.e. 26 students, 24 responded to this question. Two further students provided no answer. Of the 24 students 17 or 70.8% saw their chances of gaining their preferred employment as good (9) or very good (8). Six students or 25% saw their chances as fair, leaving 1 student who saw such employment chances as very poor.

From the above it can be said as regards preferred employment prospects, that even for those who do not yet have such employment, this would not appear to operate as a notable demotivating factor affecting the course.

Preferred Area of Work -

Thirty students chose one such area, whilst 23 students chose more than one. This is summarized as follows -

Table 7.4.

Students Preferred Areas of Work

Single Choice		Multiple Choice	
Property	1	Property and Commercial	3
Commercial	5	Property, Probate, Commercial and Litigation	2
Litigation	18	Property and Probate	1
Undecided	6	Property and Litigation	1
		Commercial and Litigation	14
		Litigation and Probate	2
	30		23

It is to be noted that 37 students (69.8%) chose litigation, 18 as a single choice and 19 as one of their choices.

This is important as part of an illuminative evaluation, but also is interesting in the context of appropriate learning styles for experiential learning. (Vide Para.2.2)

RE/1 group is the only one that would have had no experience of litigation in the course at the time of completing the questionnaire.

It may well be that the apparent contradiction between the more negative responses and motivations in the litigation groups and the above result may partly be explained by the students seeing litigation in terms of advocacy (court work) rather than procedural litigation (documentation) as is largely the case in the civil litigation current matter researched.

Twenty-four students (45.3%) chose commercial as a single (5) or as part of a composite (19) choice. Eight students (15.1%) chose property and only 1 as a sole area of work. The real estate current matters do not appear to cause the students to favour this area (i.e. property) for a career.

There would appear to be an inconsistency between 28 students preferring practice and 37 students preferring litigation which is usually found in practice. Only 2 of the students who chose government also chose litigation. One of the 2 students who chose the bar chose litigation. There is still an apparent discrepency, although a student who prefers litigation as a subject may not prefer employment in that area.

7.9 Student Perceived Competence

Thirty-one students (58.5%) saw themselves as competent (including 1 very competent) after they had completed the current matter. Six (11.3%) saw themselves as such before they commenced the current matter. By comparison two students (3.8%) saw themselves as incompetent after the matter, whereas 34 students (64.2%) (including 15 very incompetent) saw themselves as such before it. The interesting statistic under this heading is that 20 students (37.7%) saw themselves as neither competent nor incompetent before the current matter and 13 (24.5%) after it.

Only 3 students (5.7%) gained a mark of 50% or more in the pretest, although 6 (11.3%) saw themselves as competent. After the current matter 39 students (73.6%) gained a mark of 50% or more, whilst 31 (58.5%) saw themselves as competent. The above comparison suggests some over confidence before learning from the current matter. To make students aware of their lack of competence may be argued as an indirect positive result.

The explanations contained in the questionnaire and relating to the competency ratings do not add a lot to the data provided by the ratings themselves. A number of students considered that they needed more practice. They do complete both more real estate and litigation matters subsequently in the course. Thirty students offered no explanation.

The responses to Q 13 of the questionnaire establish that after the current matter 32 students (60.4%) saw themselves as gaining substantial knowledge in the area and 38 (71.7%) saw themselves as gaining substantial skills in conducting such matters. It is of interest to note that a substantial number of the students saw themselves as (from the course) improving skills substantially in conducting such matters. Considering that a number of students had prior experience (See below), this might be seen as a satisfying result for the course. Whilst the mean for the increased learning (42.2%) is not particularly high, the students nevertheless do for the most part see themselves as progressing in a substantial way as to both knowledge and skills. (In retrospect substantial may not have been the best choice of words considering its varying meanings). In real estate 20 students saw themselves as gaining substantial knowledge and 21 as gaining substantial skills. In litigation the student numbers are 12 and 17 respectively. In the CV/2 group the numbers are 4 and 6 respectively bringing down the total score for litigation groups as well as the overall result.

Sixteen students had prior experience of "substance" in the type of matters completed at the college. Again it is interesting to note against this that only three students gained 50% or more in the pre-test. Overall the prior experience would not appear to have prepared the students as a group for basic practice. With the aid of resources for the test, such as student materials, the students may well achieve a better test result, although the closed book tests were basic and conducted immediately following completion of the current matter.

When a comparison was made between those students who perceived that they had experience of substance in the type of work and their motivations in the course, a mean of 2.69 (Median 3) for motivation was established. This provides a difference of .08 below the mean for all students. Accordingly there is no clear evidence that experience in the type of work affects motivation.

In the CV/1 group in which there were 9 students who made negative comments about their instructor as regards their motivation, 7 (the largest number in any group) of these students considered that they had experience of substance in the type of matter they were completing with this instructor. This could be seen as a factor affecting their attitudes.

Explanations given in this response added nothing of particular interest, except to indicate that in only two instances (or at most three) in the CV/1 group, was there experience of real consequence for the current matter. It could not be said that the differences evident in this group were due necessarily to the prior experience of these students in the same area of work as that undertaken in the course. Twenty-seven students offered no explanation.

The quantitative data relative to prior experience does not indicate the particular nature of that experience. One might expect to be able to call upon a high degree of student experiential learning in some instances, but the pre-test results do not appear to strongly substantiate this. Student 21 who had substantial prior conveyancing experience attained the highest pre-test score of 12.5 or 65.8%. Student 39 (CV/1 group) who appears to have had substantial experience in motor vehicle claims attained a pre-test score of 7.5 or 62.5%. There is room in both instances for more learning.

7.10 Illuminative Summary and Implications for Experiential Learning.

Employment in all its various aspects, such as whether students expect to like legal work and their satisfaction with the arranged employment, was seen as tied to motivation. It was considered that these questions might illuminate problems associated with motivation. Students views of their competence are linked to this, in that it is not unreasonable to assert that students motivation would be improved if they saw their level of competence as improving. All of these issues in turn affect the learning that takes place. It is accordingly appropriate to look beyond the illuminative aspects of this study and to also consider the implications suggested by these issues for experiential learning.

7.10.1. Motivation

Comparisons between the themes for the responses to Q 1 (a) and the responses to 2 (a) suggest the following -

Before the course commenced 34% of the responses indicate the course as being easy or not difficult.
33.9% (Ans. 3 & 5) indicate a reasonable or greater amount of work as being required.

After the current matters 20.8% (Ans. 1, 2, & 3) then perceived the course as not easy or as involving considerable work. No-one then expressed the view that the course was easy.

The above results are more significant in that each question was general in nature and did not particularly elicit the type of answers given. The expectation of one-third of the students is for an easier course than the realisation. It is reasonable to expect little or no overlap between the above responses.

It is interesting to note that more than one-fifth of the responses indicated that the course was seen as becoming more demanding (Ans 3 to Q 1a).

Before the course commenced 15% of the responses perceived the course as being boring or to be endured.

After the current matters 17% of the responses so perceived the course.

As regards student perceptions of the College of Law Course at the time of completing the questionnaire, there are slightly more positive than negative responses. There is a comparison which is evident between the total of the positive responses for the real estate groups (19) as against that for the litigation groups (10).

It became clear from the interviews that the major source of advice on the course was students who had attended or were then attending the course.

When the responses are categorized as either positive or negative in nature, it is to be noted that of the 18 positive responses, 17 are from the real estate groups. By comparison 23 of the 30 negative responses come from the litigation groups.

It seems reasonable to propound from the suggested changes or improvements for motivation, that instructor attributes are important to motivation of the group. (Vide Para.7.7.2).

The teaching of the performance of a task or the development of a skill is of its nature teacher intensive. It is altogether different from teaching substantive/academic law, which is traditionally achieved largely through cognitive and self learning. The performance of a task and the acquisition of a skill go further than cognitive learning. (Vide fig.2.1). The effective teaching of tasks and skills which are so interwoven, are particularly dependant upon the learning experiences of the teacher. This is more so if the students are to accept the teaching as authentic in such a course.

It also does not appear to follow that a student who is strong cognitively will also be strong experientially. (Vide para.6.3.5) In most cases the academic learning has not prepared a student for the experiences of practice as a solicitor and experiential learning of this nature can be quite new and challenging to the student. It is time consuming to perform the tasks in detail and particularly time consuming to develop the many skills associated with practice.

7.10.2 Employment

The reported results and end comments are self explanatory.

7.10.3 Competence

The earlier paragraphs under this heading speak for themselves and suggest some over confidence in some students before attempting the current matter. It is of interest to look at the three students who gained 50% or more in the pre-test. Substantial prior experience has apparently led to high pre-test scores for two students. The real estate student in this category (21) increased learning by 21.1%, whilst the litigation student (39) increased by only 4.2%.

Their pre-test scores were similar at 65.8% and 62.5% respectively. The real estate student had 7 years part time and the litigation student 7 years full time experience, each in legal practice. The only other student who attained a similarly high pre-test score (63.2%) is interesting as surprisingly he had no prior legal experience. He gained his knowledge and skill from 17 years work experience, 11 years of this as a newsagent and 4 years of this as a restauranteur. He appears to have gained his real estate/conveyancing knowledge and skill from experience in connection with his work. The experience of this student and the pre-test scores of the other two, evidence true experiential learning and may suggest that a case could be made for giving credit or credentialing as is being researched in the CAEL project referred to earlier. (Vide para.2.3). In this latter respect however, the comments at the conclusion of Para.7.9 should be considered. It is to be noted, however, that the pre-test scores of some students are greater than the post-test scores for many if not most others. (Vide Appendix H)

Prior experience claimed by the students is a questionable basis for accepting competence for practice. The experience claimed may have been in areas other than those covered by the tests, although each of these tests relates to basic practice.

CHAPTER 8

Student Attitudes To Learning.

8.1 Environmental Effects.

In replying to a question aimed at eliciting a general response as to the students' perceived application to the work within the group room environment, fifty-one students saw themselves as "working well" within the group room, leaving only two students who saw themselves as not working well. (Given another opportunity, alternative and more defined terminology might have been adopted). This is, notwithstanding, a very positive result that must be taken into account when considering the many negative comments of the students evident in the qualitative data. If the students are in fact working well then a very good result is being attained. This also, indirectly, says something positive as regards the environment generally. The environment is not such as to cause them to see themselves as working badly in the group room.

This result must also be taken into account, when considering the effectiveness of the experiential learning method. If the students have such diverse preferences as indicated in their responses to Q 22 relating to Tasks/Research (Post) then, based on Kolb's theory, one would not expect to find such a large number to be working well within the same environment. The current matter process, with its task orientated emphasis, dominates this learning environment. If one accepts Kolb's learning style inventory as measuring as individual's emphasis on the four learning abilities, then it seems reasonable to conclude that in this limited environment, the students who prefer the cognitive processes associated with research would find some difficulty in working well, but vide para 8.3 post.

Seven students were really non-accepting of the group room environment in that they rated the environment for learning in answer to Q 16 of the questionnaire as either ineffective or very ineffective. Apparently at least 5 of these could still work well, based on the fifty-one students referred to above and who stated that they were working well in the group room.

Thirty-three students (including 4 v-effective) saw the environment within the group room as effective. Twelve saw it neither as effective nor ineffective. One did not reply. Only the 7, referred to above, saw it as ineffective or very ineffective and 5 of these were within the two litigation groups. Four of this 5 were within the CV/1 group. This latter group's room had no windows, but so did the RE/1 group room in which no students saw the environment as ineffective or very ineffective. Considering the qualitative data from this study, (including the student responses to interview Q 7 - Vide para.8.7.1) and this researcher's observations referred to in para.4.4.4, it would appear that the student attitude towards the instructor may be the underlying cause for the CV/1 response. This attitude may, to some extent, be predicated by the students own perception of their "experience of substance", referred to in para.7.9.

On this important aspect the students reasons given for their ratings are set out fully in Appendix J. It is of interest to note that nineteen of the students (identified by an asterisk) speak of co-operation between the students in the group and many of these answers identify that learning takes place by this means. The students learn from one another. Co-operation within the groups was confirmed by this researcher's observations in the group rooms. (Vide also Table 8.2)

The responses have been marked to indicate either an essentially positive (P) or essentially negative (N) reply. This indicates 29 positive responses and 17 negative responses.

Considering the responses to Q's 15 and 16 together and this researcher's observations it is evident that the environment is generally satisfactory, subject possibly only to the adverse effect created by a negative student/instructor relationship. The responses to interview Q 7 on the environment indicate lack of windows also as a possible problem in the two groups thus affected.

The considerable differences between student explanations of their ratings in response to Q 16, do indicate that a particular learning environment can be seen very differently by post graduate law students. There is variety of attitudes to the same learning environment (Vide Appendix J - Q 16).

It was considered that there might be a notable difference between the attitude of the males to the environment for learning, when compared with that of the females. The mean for the males on a rating of one to five was 3.62 with a median of 4 and for the females a mean of 3.35 with a median of 3. Based both upon the mean and the median scores it would appear that the males are more satisfied with the environment than the females but it must be noted that only small numbers are involved. This could be a matter for further consideration on the part of the College.

8.2 Simulation - Student Acceptance.

Thirty-three students (62.3% of sample) related well to simulated current matters as a method of experiencing the "real occurance",and 15 (28.3%) did not (Q 18). The positive responses are shared almost equally between real estate (16) and litigation (17). The negative response must be read in the context of the responses to the next three questions dealt with below. Four students (the largest number for any question other than Q 19) did not respond and one student was undecided.

Only one student responded in the negative in the RE/1 real estate group which was seen to have a most dedicated instructor/teacher. (Vide also para.8.7.5) The negative responses were otherwise fairly equally dispersed. The largest number of positive responses (10) came from the CV/1 litigation group, where 4 only of the 15 students had no prior legal experience and 7 had experience of substance (8 had not) in the type of matter they completed.

Of the 7 students that had prior experience of substance in the area, 6 related well to simulated current matters. Within the other three groups, of the 9 with such prior experience 5 could relate well and three could not. Of these students one did not answer Q 18.

Of the 18 students with no prior legal experience at all, 9 related well to simulated current matters as a method of experiencing the real occurance, 5 did not, 3 did not answer and 1 was undecided. The above does suggest that prior experience is not a bar to relating well to simulated current matters. Students who have no prior legal experience can still relate well to these matters. It is to be noted that in the above litigation group the students had only completed their first current matter in the course, so that the response is being made having this current matter in mind and no other. Prior to completing the current matter they had only received instruction in court appearances i.e. advocacy.

Seventeen students offered no explanation of their response to this question and two were undecided. Explanations range from it being impossible to accept simulated current matters as a way of experiencing reality, to being able to relate to them by the manner of comparing them with the students own real experiences. Other comments referred to discrepencies with real life, no substitute for the real life, no substitute for the real thing and artificiality. One comment of interest is "After losing my client's case in the arbitration, I was very worried why it had happened and depressed".

Twenty-four students perceived the particular current matters as real (22) or very real (2). (Q 19). Sixteen saw them as neither real nor unreal. Four students did not respond to the question. This leaves 9 students who saw them as unreal (6) or very unreal (3). The college might have hoped for a better response than the above. It is important that the students should see the matters as real in the interests of credibility. At the same time, the current matters do not simulate interviews, client pressures, time limits and the like and it may be that the students are responding to this. It is also difficult for the 18 students (Appendix K - Table 7) with no prior legal experience to accurately perceive the reality. It would similarly be so for the 37 students with no experience of substance of the type of matter.

Forty students (23 in Real Estate and 17 in Litigation) were satisfied with the current matters as the teaching/learning vehicle (Q 20). Whilst 11 students were not satisfied, only 4 suggested preferred methods in response to Q 21 (Vide below). Two students did not respond to the question. In the context of this question, it is of interest to note the survey referred to earlier towards the conclusion of Para.2.3 and conducted in the practical legal training course located in Melbourne. The responses indicated a strong approval of the current matter strategy.

The student responses to being asked whether they have preferred method(s) for learning real estate or litigation practice, may be summarized as follows -

No	- 23 responses
No answer	- 10
Improvements suggested	- 15 responses

By suggesting improvements, these latter students might reasonably be taken as accepting the method generally, subject to those improvements referred to below. If these students are added to those who had no other preferred method, then 38 of the students have no other preferred overall method. Only four students suggested alternative methods as referred to below. One litigation student asserted no learning was taking place.

Improvement Themes

Visits to outside places e.g.
Registrar General's Office,
legal office, stamp office etc - 5 responses
Changes in instruction - 4 responses
Raised elements of timing - 3 responses
Wanted real problems included - 2 responses

One interesting response suggested that the students should serve articles during their university courses and then attend the College.

Alternative Methods (One response each).

- Use files and precedents with explanatory notes. Would shorten the course.
- Lectures and notes with tutorials to do the work.
- Okay for property commercial, but litigation too intensified.
- Getting out and doing it.

It is reasonable to conclude that whatever students may think of the College of Law, they do not, for the most part, suggest an alternative overall method for such training.

8.3 Tasks or Research - Student Preference

Twenty-six students preferred the tasks of the current matter and 19 preferred the research. Three students chose both, one replied "neither", one "neither/both" and three did not respond.

In a legal office, the emphasis is usually upon the tasks and getting them done and it is interesting to note that so many students prefer the research aspect, which is more suited to the work of a barrister or perhaps some solicitor specialists usually more commonly located within the larger firms of solicitors or accountants. Research skills are also ideally suited to those preferring an academic career. It was thought that those students who prefer research may find some frustration in the constant requirement within the college to get the tasks of the matter done. There is often little time for research, as is possible in the students academic courses.

This researcher was looking for some real insight into the differences between those students who preferred the tasks of the current matter to those who preferred research. It seemed logical that those who preferred research might be the students who found some difficulty in relation to the task orientated current matters. The responses to this question (Q 22) were checked as against the motivation ratings of the students upon completion of the current matter. Those who chose tasks had a mean motivation of 2.961 and those who chose research a mean of 2.789. Accordingly those who preferred tasks appear to be only marginally more motivated at that stage. Three students were undecided and five chose both tasks and research.

It was decided to also investigate whether the 15 students who did not relate well to current matters as a method of experiencing the real occurance, might be found amongst the nineteen students who prefer research to tasks. Only five of the students did not relate well to the matters preferred research. Seven preferred tasks. Two did not respond and one replied "neither".

Finally a comparison was made between the gain scores for those who preferred to do the tasks of a matter and those who preferred the research aspect. The mean of the gain scores for the 26 task orientated students was found to be 38.157% and for the 19 research orientated students to be 45.542%. This is the very opposite result to that which might be anticipated. One can only conclude that this indicates that the research conscious students are the better learners.

8.4 Comparisons for Mature Age Students

A comparison was made for answers to the questionnaire between students aged twenty-four years and younger with those twenty-five years and over and no significant difference was found. There were 26 in the former group and 27 in the latter. There was an indication that more of the older group preferred litigation and that they saw themselves as more competent upon completion of the current matter. Twenty of the older group related well to the current matters as a method of experiencing the real occurance, compared with thirteen of the younger group.

When the comparison was made with those aged thirty years and more, with those younger, ten of the eleven students in the older group saw themselves as competent or very competent after completion of the current matter. Only 21 of the 42 students in the younger age group saw themselves as competent and not any as very competent. This comparison of perceived competence between the two age groups using a chi-squared test of independence provided a P value of .03. No other such comparisons provided a significant result. Due to the size of the sample the above result is not relied upon, but it does provide some indication that the older students are more ready to see themselves as competent following their experiential learning in the current matter. It is reasonable to conclude that the mature age students would have been exposed to more experiential learning from life experience.

8.5 Student General Responses

8.5.1 Responses Relating to the College Course

The responses to the general questions in the questionnaire have been analysed as follows -

Are you satisfied with -

(a) The College of Law Course? Explain.

Satisfied - 30 (19 Real Estate & 11 Litigation)
Dissatisfied - 18 (4 Real Estate & 14 Litigation)
No response - 3
Neutral - 2

Three students in the RE/1 group who made comments as to insufficient time appeared otherwise to be satisfied and accordingly are included in this category. The reviewing lecturer would have seen these as neutral. 34% of the students in the sample are dissatisfied.

Response Themes.

- More time required in property commercial - 8.
- Too much time in litigation section - 5.
- Complaints about instructors - 11.(Six in CV/1 group.)

It is to be noted that the above themes come from a particularly wide question. The above themes relating to time have been verified by the observations made during the conduct of these current matters.

There appears to be far more satisfaction with the course in the real estate section.

8.5.2 Responses Relating to The College Generally

They have been analysed as follows -

Are you satisfied with -

(b) The College of Law Generally ? Explain.

Satisfied - 31 (17 Real Estate & 14 Litigation)
Dissatisfied - 15 (4 Real Estate & 11 Litigation)
No answer - 5
Neutral - 3

The fact that 28% of the students in the sample express dissatisfaction could be a cause for concern. It is relevant that this course comes at the end (in most cases) of five years at university.

The course further delays the students in entering the profession and earning a proper income.

Response Themes

Social aspects mentioned - 10 (Only two of these were dissatisfied with the College)

Inconsistencies in instructor requirements - 3 (All dissatisfied and all in one group)

School like - 6 (Five were dissatisfied).

8.6 Relationship to Academic Learning

It was perceived as being important to know just how students saw their prior academic learning as relating to the work done at the College. The following table summarizes the responses to question 24 of the questionnaire.

Table 8.1.

Summary Of Student Responses According To Categories And To Institutions

Category	Totals	SU	NSW	MU	IT	SAB	BAB	ANU	Otr
1. Little or no Relationship	35.8% 19	6	6	5	1	0	0	0	1
2. Limited Relationship	11.3% 6	0	2	2	0	2	0	0	0
3. Clear Relationship	26.4% 14	2	3	2	1	1	1	4	0
4. No response or could not be categorised	26.4% 14	5	3	1	1	3	0	0	1
Student numbers	53	13	14	10	3	6	1	4	2

If categories 1 and 2 are added together then 47% or nearly half of the sample had difficulty in appreciating a real relationship between the two. Accepting that the current matters represent what is done in practice, then it seems clear that something must be done to overcome the above perceptions of the students or the reasons for their perceptions investigated. The College of Law logo represents the bridging of the gap between academic learning and practice.

8.7 Summary of Interview Questions and Responses

Some of the interview questions shown in Appendix I are not directly related to the questionnaire and accordingly are not included in that context. They are nevertheless included for the purposes of a more complete illuminative evaluation. The highest number that did not answer a question is 2 (Q's 7 and 10).

8.7.1 Group Room Environment

What problems did you find with the group room environment?

Response themes

Air or air-conditioning - 8.

Distractions caused by students- 15. (Direct or indirect complaints)

Instructor attributes - 18. (11 relate to the CV/1 instructor)

No Windows (Applies to two groups i.e. 28 students) - 10.

The concern about the lack of windows in two of the rooms is of importance in that 36% of these students were affected by it. Six of the eight students concerned by air or air-conditioning were within one room. If one instructor is removed from consideration then only 7 students raise instructor attributes.

8.7.2 Academic Training And Course Test Results.

Did your academic training enable you to answer any of the test questions?

Negative response - 38 (R.Est.23 & Litig.15).

Positive response - 15 (R.Est. 3 & Litig.12).

One real estate student who responded negatively had graduated in 1979 and three of the litigation students who gave a positive reply indicated that they were enabled only to a very little or minimal extent.

The positive responses were divided between most of the institutions.

It is of interest to look at the pre-test results of those who provided positive responses in order to verify these responses. If academic training did assist, then the pre-test results can give some indication as to the extent of this assistance.

Real Estate student results (3) - 63.2%, 13.2% and 13.2%.
Litigation results (12) - 8.3%, 25%, 29.2%, 25%, 12.5%, 8.3%, 8.3%, 4.2%, 16.7%, 12.5%, 25% and 20.8%.

Except in the case of six of these students (i.e. those attaining 20% or more) the academic training did not appear to provide very substantial assistance in the area covered by the tests. It is to be noted that some of the students who gave a positive response to the question, actually attained a very low pre-test result. Those who gave a negative response but attained a higher pre-test score may have gained their training from practice.

Note : The real estate test is a reasonably comprehensive test as to practice in handling a fairly straight forward and typical real estate transaction. The civil litigation test is similarly a reasonably comprehensive test, but limited in its scope to a motor vehicle damage claim concluding with an arbitration. (Appendices E & F).

8.7.3 Instructor Effect on Motivation

Did your instructor affect your motivation and if so, how?

Positive responses - 15 (28.3%).
Negative responses - 18 (34%). (9 relate to the CV/1 instructor)
Not Affected - 17 (32.1%).
Positive & Negative- 2 (3.8%).
No answer - 1.

If the CV/1 instructor, who received the substantial number of negative comments and that group is excluded, then 9 negative responses remain amongst 38 students i.e. 23.7%. It is to be noted that the CV/1 group did not have the lowest mean motivation during the course. (Vide Para.7.7.1 & 9.3) The response of the CV/1 group to Q 23 of the questionnaire (a general Q as to satisfaction with the course) shows that 6 students complained about their instructor. This complaint was not so evident in the other groups. There being only four instructors involved in the sample then perhaps not a lot can be taken from the above, except to acknowledge the substantial effect an instructor can have.

8.7.4 Contracted Current Matters

How do you think the current matter would work if contracted by leaving out steps, but providing a file containing that material?

This question and the responses are recorded below as they are important in relation to experiential learning. The reason for this is that the majority of students apparently have trouble in contracting a current matter and would prefer to take all steps. There was little difference between the real estate and the litigation students in the nature of their overall responses. In making a real attempt to categorise the students comments as either in favour or against the proposal the following result is provided -

Total in favour - 18.
Total against - 34.
(One student response could not be included in either category).

Some of the students expressed the view that this proposed change might work later i.e. after one complete current matter had been done. The comment of these students, suggests that they are making it on the basis that the second current matter would have some similarity to the first.

It is interesting from an experiential learning point of view that the majority of students seem to want to complete each step or consider this to be the best method. A less real simulation as suggested in the question, would not work as well in their view. It would accordingly appear that realness is an element at least to the extent that the full structure of the matter and its steps are needed. The carrying out of the steps in the current matter and the experience of this is what students' want.

8.7.5 Course Materials - Optimum Source of Learning

Do you think that you learnt most from your instructor, other students, practice papers or students set?

The responses may be summarised as follows -

Table 8.2.

Group Responses as to Sources of Learning.

Group :		RE/1	RE/2	CV/1	CV/2	TOTAL.
Practice papers	-	5	10	11	6	32
Other students	-	2	9	5	5	21
Students set	-	6	2	6	5	19
Instructor	-	10	2	2	3	17

Many students chose from more than one of the above categories. All choices were included. Due to a problem with coding it must be reported that in the CV/2 group, there may be discrepencies with three responses between "other students" and "students set". This could alter the order of the two middle categories. In addition some students identified only the one greatest source of learning, whereas others named more than one. That is, there were differences in emphasis. To this extent there is an element of unreliability in the results.

It is clear that the practice papers are a major source for learning and that the instructor is seen as the least of the sources. If the RE/1 group is excluded, then the instructor would be seen as a much lesser source than the others. Where the instructor became more of a source, then the other students and the practice papers become less of a source. The RE/1 instructor might be described from this researcher's observations as - dedicated, active, critical but supportive, hard-working, available to students, constant, adopting high standards, long hours of attendance in group rooms and a friendly disciplinarian. This instructor also provided considerable self input from experience in practice and assesses all important materials. It may be recalled that this group attained by far the best test results. The other three instructors left the students far more often to themselves. For ethical reasons and to retain anonymity as far as is proper, no further comment will be made in this context. The data suggests, that for learning to be most effective in terms of test results, requires greater instructor input. It does not necessarily follow that greater instructor input provides the best experiential learning, where simulation of the real world of work is an aspect of a course.

Transference of the learning from the instructor may not be as effective in the long term as the learning that takes place from using the practice papers as a resource. These papers will be available as a resource in the work force. Ideally the practice papers would contain most of the information that the instructor might provide, in which case the instructor might then become the true facilitator of learning. Regardless of this, this researcher's observations within the groups indicates the consistency of the need for this facilitation in not only assisting student understanding, but also in developing the necessary skills and to provide a relationship to the real event with all its vicissitudes. Carefully devised practice papers, supported by more effective assessment that is independent of the instructor, might promote greater reliance by the students upon their own resources and less upon the instructor. This could certainly be argued as providing better experiential learning for the real world of work. Less reliance by the students upon the instructor in this course, appears to require an effective instructor to be more involved due to the additional work required in correcting student errors. Perhaps there needs to be a careful balance between the amount of instruction and the learning from students own resources.

8.8 Illuminative Summary and Implications for Experiential Learning.

Whilst the following summary of findings is somewhat fragmentary, some difficulty was encountered in excluding any of them. In the spirit of illuminative evaluation it is necessary to deal with the reality that one finds and to seek to make sense of the data provided by a limited but holistic approach within those limitations. In Chapter 9 these findings are sought to be brought together to the extent that they appear to support one another.

- A substantial majority of the students (62.3% of sample) related well to simulated current matters.
- Only one student in the RE/1 group did not relate well to simulated current matters. (Vide Table 6.2 et seq. as to increase in learning for this group). The remaining 14 negative responses were fairly equally dispersed between the other three groups.
- In the CV/1 group, 7 students had experience of substance in the area of work covered by the current matter. The numbers in the other groups for this category are 3, 4 and 2. This could account for their attitude towards the CV/1 instructor (Vide paras. 6.3.1 and 8.7.3). This group did not have the lowest mean motivation during the course (Vide para. 7.7.1 and 9.3).
- Fifty-one students in the sample saw themselves as working well within the environment.

- Only 7 students in the sample see the environment for learning in the group room as ineffective or very ineffective.
- There is evidence to suggest that student attitude to the instructor is an important factor in determining student attitude to the environment. (Vide paras. 8.1 and 8.7.3)
- There is a clear indication of co-operation between the students and learning taking place as a consequence. This is evidenced from the reasons given for student attitude to the environment, together with the number who chose other students as the greatest source for learning. (Table 8.2)
- Students in the same course with similar qualifications can evidence very different attitudes to the same learning environment.
- There is some indication that the females are less accepting of the environment for learning in the group room.
- Slightly less than half the sample (24 students) saw the current matters as real, although only 9 students saw them as unreal.
- There is a substantial acceptance (75.5% of sample) of the use of the current matter process as the teaching learning vehicle. There were only 4 suggested alterations (as opposed to improvements) in response to question 21 that sought such "preferred methods".

- Those students who preferred tasks appear to be only marginally more motivated than those who prefer research.
- Only 5 of the 15 students who did not relate well to current matters, stated that they preferred research to tasks.
- There is some evidence to suggest that research orientated students learn more than those who are task orientated.
- Mature age students (30 years or more), who have been exposed to more experiential learning from life experience, indicated clearly that they are more inclined to see themselves as competent after completion of a current matter.
- One third (approximately) of the students in the sample are dissatisfied with the course and nearly the same proportion with the College.
- Nearly 50% of the sample had difficulty in appreciating a real relationship between their prior academic learning and the work done at the College.
- The students academic training did not appear to provide very substantial assistance to the students in completing the current matters under study.
- The responses related to proposed contracted current matters indicate that almost twice as many students want to learn from the total experience and for this not to be compromised. They appear to want realness and completeness in their experiential learning in the course.

- The instructor is seen by the students in the sample as the least source of learning in the course except in the RE/1 group where this position is reversed. (Table 8.2) (Only four different instructors were involved and there are difficulties in interpretation of results in this category).
- Transference of the experiential learning in the course may not be best served, where the instructor is more than a facilitator and notwithstanding high test results of students under a dedicated instructor.

CHAPTER 9

SUMMATION, FINAL CONCLUSIONS AND IMPLICATIONS

9.1 General Comments and Student Entry Data

In this final chapter and in earlier chapters recommendations as such are not made, as these may well be seen as making decisions contrary to Parlett & Hamilton's views expressed in Para.3.4. The findings are sought to be reported in a manner that facilitates decision making without assuming the role of the decision makers within the institutions.

This research project has, for the first time, illuminated for the College administration and for those interested in experiential learning in accordance with the criteria set down for illuminative evaluation, the essential characteristics, attitudes, feelings and nature of the students attending the College of Law course, including their prior achievements and experiences.

When sub-groups were examined by means of this study it was discovered that each group was quite unique in itself and inter-group comparisons are particularly difficult and unreliable. This study illuminates such problems and provides a systematic base from which further research in relation to groups and group interactions within this type of course could take place. Adopting a naturalistic illuminative approach has brought out such problems as might not have become apparent if a purely experimental approach has been adopted.

Although a very significant number (33) of the sample completed an arts/law combination, this could vary from time to time depending on university course intakes. It is to be noted that of the 35 students who had prior legal experience, only two had less than 3 months full time experience of this nature, but they could add part time experience that in one instance is substantial. Of particular interest in relation to prior experiential learning, thirty-four per cent of the sample had no prior legal experience and accordingly an experiential learning course based on simulation might well cause them some difficulty of assimilation. This is notwithstanding that they may be more interested in the course as a consequence. Some attempts to help these students appreciate the nature and realness of the course work as against practice is indicated. At the same time, half (9) of the students who had no prior legal experience, stated that they related well to simulated current matters as a method of experiencing the real occurance significantly. 16 students saw the current matters as neither real nor unreal. Problems such as the above could first be broached during orientation.

Again of relevance to the experiential learning of the students is the fact that 66% of the sample had legal experience of some significance (24.5% of 1 year or more full time). In this project, this aspect has been explored as to the nature and relationship of this experience to the current matter and the test results. What is in need of further exploration is the fact that the students must come to the course with some preconceptions based on experience. The College may accordingly find some difficulty in overcoming the negative effects of the poor standards experienced in some instances in this important initial phase of the students' experiential learning in practice. The sometimes lesser standards may be evident not only in the work itself, but also in professional attitudes. This could be a matter for some reflection on the part of the students early in the course.

Where prior legal experience or lack thereof is seen as an important element in relation to the questions posed in this research project, then this will be dealt with under the appropriate subject.

Matters such as those referred to in the prior paragraph might profitably be addressed in a carefully conducted segment of orientation. Consideration could be given to such matters as are addressed by the CAEL project referred to in Chapter 2 and relating to granting credit, although only few students in the sample achieved even reasonably well in the pre-test.

The College can build on the fact that very few students, proportionately, have had no work experience. Work experience might reasonably be expected to operate as a maturing factor and should if developed properly, assist the students in relating the practical nature of the work done at the college to the real world of work.

More students from Sydney University, than those from the University of N.S.W., have prior legal experience and this may be of importance to the College to the extent that prior experience is considered to be desirable.

This researcher has visited the practical legal training course in Dublin and it is interesting to record that the attitude of the two professors who are responsible for the course is that it is highly desirable for the students to have up to three months legal experience, but beyond this such experience can be counter-productive for the course. They saw this experience as helpful in assisting the students in relating the course to the reality of practice, however, they did not want this experience to be over a longer period as students then learn bad habits that would be hard to change.

9.2 Implications of Knowledge Acquisition.

9.2.1. General Implications

It is stated in practical legal training with some regularity that the pass mark in practice is 100%. There is no room for mistakes in practice. Whilst this is true, this research project might bring about some consideration as to the practicality of requiring such a high standard from students. The mean gain score for all students and the post-test results certainly indicate very strongly that the course is falling short of this standard except possibly as regards the RE/1 group (Vide Para.6.3.1.).

The gain scores measure fairly basic ready knowledge and skills, as the tests were "Closed book". (Vide Para.6.1) Ready knowledge and skill is what is required for effective practice, especially in relation to basic matters. The tests were conducted as "Closed book" as it was desired to measure the learning that had actually taken place, without the assistance of resources that would provide scope for further learning. With the aid of resources a better result should ensue.

There is an apparent conflict between the high standard of the prior academic results and the students post-test results at the college, particularly when included within this result is the benefit of work experience. There would not be many high awards granted at the College except within the RE/1 group. The explanation for this may be in the fact that effective experiential learning requires a dedicated commitment from an instructor. (Vide. Table 6.2 et seq). The nature of experiential learning is such that different knowledge and skills involving the psychomotor and affective domains are required beyond the cognitive aspect of learning and this could account for the differences between academic learning and experiential learning such as is experienced at the College. (Vide Paras.2.1 and 9.3)

It is not possible to know whether the students in the RE/1 group could maintain their level of achievement throughout a total course. The demands upon the instructor are also a matter for consideration. Even if the students could maintain their level, there must be doubt as to the amount of such constant learning that could be retained. In the context of test results, it must be noted that 51 of the 53 students considered that they were working well and 31 saw themselves as competent after the current matter. Thirty-two saw themselves as gaining substantial knowledge and 38 as gaining substantial skills.

Real cause for concern must arise at least in relation to those students who receive a post-test mark of less than 50% and there are 14 of these (4 in real estate). Some of these students might reasonably be expected to fail in the area of work done, but in fact all students were assessed as satisfactory by their instructors at the end of the current matters. It is to be noted that all of the real estate students passed vivas in relation to their matters, conducted at the time of their settlement of one of the current matters. The effectiveness of such vivas might accordingly be queried at least in some instances. The tests conducted in this project, notwithstanding the degree of care taken, are subject to criticism in that some of the students may not have given the research tests their best effort knowing that the tests were not to be taken into account in their assessment. Notwithstanding this and the fact that no test is beyond criticism, there appears to be sufficient evidence to suggest a tightening of assessment methods and the introduction of more objectivity in assessment. Properly conducted mastery tests at the end of each current matter might provide some solution.

The experiences in Introductory Clinical and Behavioural Studies at the University of N.S.W. may be of interest in relation to instructor assessment and assessment generally. In that course there was initially a pass/fail grading based upon the recommendation of the tutor. No-one failed the course. The students, however, gave their attention to courses perceived as more difficult to pass and this subject was treated as a soft option. There appeared to be a need for compatability of methods of assessment as for other subjects, if students were to take the course more seriously. Marks for assignments and end of year examination were introduced and "....the students were more satisfied with the course and had a clearer idea of what was expected of them." (McNeill, 1984:15)

9.2.2 Results for Female Students

One finding, that must be clearly established, is the particular success of the females as evidenced by the gain scores. The fact that the 23 females attained a 7.6% better mean result that the 30 males, should possibly be further investigated notwithstanding that the result is not statistically significant in this instance. The medians which are not affected by the outliers show a lesser difference of 6.2%. There is nothing to be found in age differences between the males and the females to the extent that the means are identical at 27.4. The medians are 25 (females) and 24.5 (males) respectively.

When one looks at the prior academic results for the females compared with those for the males there is no significant difference (P value 0.74). The academic results were weighted as described in paragraph 6.3.5 providing a mean for the males of 1.60 and the females 1.63. The medians are 1.53 (males) and 1.62 (females). If the females are not gaining higher academic results, but with a larger sample can be shown to be gaining such results in the College course, then this is an aspect that could be looked at in greater depth and might be the subject for further research. The above might be taken to suggest that the females are more suited to experiential learning methods. However this does not appear to be supported by the apparent decline in female motivation or the comparison between male/female on acceptance of the environment in that the females are less accepting of it. (Vide Paras.7.7.1. & 8.1.) The apparent decline in female motivation might well be a matter for consideration by the College administration.

9.2.3 Academic Achievement and Motivation

When high distinctions and distinctions are looked at in academic results and compared with student motivation prior to entry into the course and also upon completion of the current matters, no relationship is found with either motivation rating. A chi-squared test of independence shows

(P = 0.02214) a significant relationship between a male student who receives more credits and a middle response of "3" on motivation level prior to entry into the course. A like test also shows (P = 0.02436) a significant relationship between the academic passes for the females and motivation level upon completion of the current matters. It is difficult to perceive any explanation for these results that might assist with prediction.

9.2.4 Mature Age Students

The mature age students (25 years and older or 30 years and older) appear to be little different in their mean gain scores when compared with the younger group. This is apparently contrary to experience in some other post graduate courses (vide para.6.3.4). The students 30 years and older indicate however that they are more inclined to see themselves as competent after completing a current matter.

9.2.5 Prior Legal Experience

There is no consequential difference in the gain scores between those that have prior legal experience compared with those that have not. Further analysis of this provides the following result.

Table 9.1.

Mean Test Results and Scores for Those With and Those Without Prior Legal Experience.

Prior Legal Experience		No Prior Legal Experience	
Pre-test result	17.103%	Pre-test result	12.883%
Post-test result	59.571%	Post-test result	54.572%
Gain score	42.474%	Gain Score	41.678%

Those with no prior legal experience show a lesser pre-test percentage result, but there is little difference in the gain scores. The higher pre-test result for those with legal experience is boosted by two students whose results were 65.8% (7 years part time) and 62.5% (7 years full time) respectively. The mean excluding these two student results becomes 14.25. There are only two other pre-test results in excess of 40% and one of these is only 41.7% (5 years full time legal experience). Surprisingly the other student with a good pre-test result i.e. 63.2% had no prior legal experience. He had worked for 17 years full time, 15 years of this self employed, as a newsagent (11 years) and as a restauranteur(4 years). He had learnt real estate from experience.

9.3. Student Motivation

This research indicates that motivation levels (vide para.7.7), during the course, are not that dis-similar for the two first segment groups and one of the second segment groups. The other group does bring down the mean for the second segment, but even then the means for the two segments vary by only .5 on a rating of 1 to 5. In observing the CV/2 group that showed the different result, this researcher found the students as a group to be quite passive and the instructor saw the group as "Relatively quiet. No strong personalities, few undercurrents..... No real group personality. Found it hard to get a group discussion going....Solid workers. Got it done". The instructor also exhibited a fairly passive manner with the students.

It would involve conjecture to suggest the reason for the lower motivation as it is not clear whether it brought about the passivity or vice versa. This researcher is constrained to propose that from his observations during this study and based upon years of experience, an active and sometimes noisy group may well be a positive factor when it comes to experiential learning. The comments of Paul McNeill, who has been involved in the medical course in Clinical and Behavioural Studies at the University of N.S.W., referred to earlier in this paper, are pertinent in the above respect - "One particular difficulty is that experiential learning courses can be noisy at times and more conservative staff members can take exception to this, wondering whether any real work is being done". (Anderson, 1984:9)

To attempt to interpret the reasons behind the lower motivational level of the students upon entry into the course requires a consideration of the responses to Qs 1 (a) and 3 (a). The responses to the latter question provide little by way of themes, although it is clear that the dominant source of information about the course is past students. This was verified by the interviews.

It is to be noted in answer to the former question that 34% of the sample indicated that the course was seen as easy or not difficult. The course was seen as easy until recently or requiring more work now by 22.6%. It may be that the introduction of some examinations is changing student perceptions. It may also be that their motivation is not high because they have just completed 5 years or so of learning within an institution and are now faced with a further hurdle before entering practice.

The whole nature of the College of Law course must be foreign to the students, who are used to lectures, tutorials, assignments and exams designed essentially for teaching/learning and assessment for the cognitive domain. In litigation by way of example, the law school will likely focus on Supreme Court and High Court judgments, whereas the College places considerable significance to the work done by the young solicitor in the Local Court. The reality of the mundane nature of practice to be experienced by the young solicitor, must be seen as a real contrast. The methods of assessment are also considerably different to those that they have experienced previously. Nearly 50% of the sample had difficulty in appreciating a real relationship between academic learning and practice as experienced at the

College. (Vide Table 8.1) Perhaps an effort should be made to assist students to appreciate this relationship and to effect a continuum between the two. In the instance of at least the two current matters under study it is to be noted however that the students academic training did not appear to provide very substantial assistance in completing the current matters. (Vide Para.8.7.2)

The period at the College is the first time that most students have been exposed to a work load requiring continuous attendance for regular hours in an office with other students over long periods of each day. This continues for the whole term of the course. The simulation of the real experience is such that the College is in effect preparing the students for the reality of regular working hours, whilst being involved for the first time in the more mundane practicalities of legal practice. This is performed at the College in an environment which requires a knowledge of law and an ability to solve legal problems and face a variety of challenges, but without the interest of dealing with real clients in the real world with all its attendant distractions, achievements and fulfilling reality.

The motivational levels during the course upon completion of the current matters are illuminated by the responses to Qs 2a and 3b. There is an inherent problem for interpretation in that these responses are being obtained at various stages in the course. The responses to Q 3(b) provide little by way of themes. (For the individual responses to Q 3 (b) Vide Appendix J) Thirty of the students in the sample provided a negative response to Q 3(b) (23 within litigation groups). It is of interest to note that there is less evidence (7 such responses) in the response themes to Q 2 (a) and Q 3 (b) taken together without overlap, suggesting that the course is easy or not difficult and this is to be compared with the comments upon entry into the course referred to above. In answer to Q 2 (a) on perception of the course generally there were 29 (54.7%) comments of a positive nature compared with 28 (52.8%) negative comments. In answer to Q 3 (b) directly on motivation during the course there were 18 positive and 30 negative responses (23 of these in Litigation). These figures coupled with the reply to Q 20 (Vide para.8.2), provide some evidence that lower motivation is not necessarily caused by the course as such. Sixty-three per cent of the litigation students are satisfied with the current matter for teaching/learning. Further investigation shows that all 12 of the students in the passive CV/2 group (described in para.9.3) made negative comments as did 11 of the 15 students in the CV/1 group. There do appear to have been real problems associated with these groups, which suggests that strong initiatives are sometimes required of the teacher. (Discussion with the CV/1 instructor following the field work, indicates that group behaviour was discussed with these students, and the group environment was consequently improved). Experiential training of its nature tends to bring about a close working relationship between the instructor and the student or students. This appears to come about from the instructor's input as to his or her experiences.

There are no strong themes evident in answer to either question although 17% see the course as boring or to be endured. This latter response may again relate back to the long period they have been involved in tertiary education and to the other problems referred to above. The summary of responses in 9.4 below are relevant to this in that they do not evidence an overall dissatisfaction with the course methods and only 4 students could suggest alternative methods.

The only change of some substance which the students would make to improve motivation involves instructors (34%). Fourteen (26.4%) of the students who referred to instructor attributes for improvement of motivation came from the litigation groups and particularly the CV/1 group, which had been exposed to only the one instructor at that time. This indicates that instructor attributes are important for improving motivation. (Vide Para.7.7 as to overall motivation level for each group) There are implications for improved staff selection and training.

Student motivation, including the decline in female motivation referred to earlier, is one aspect of the course that perhaps should be looked into more closely than was possible in this holistic study.

9.4. Students General Attitudes and Perceptions

It is a noteworthy statistic that only 28 students (including two students who chose two initial careers) in the sample, chose practice as a solicitor as their preferred initial career. Two of the groups were asked this question early in the course and this may account for the 12 students who were undecided. Even so the students are attending a course aimed primarily at preparing students for legal practice, yet at this late stage, five years at least along their line of progression, such a small number make a clear choice in this direction. This may be a significant factor adversely affecting motivation particularly when this is considered in conjunction with the response to Q 6 namely - only 34 students expect to like legal work, 15 are still undecided.

Twenty-six students did not have their preferred employment arranged and this again must affect motivation. Based on experience students appear to be more motivated when they have their job arranged. Here again it should be recalled that two groups were questioned quite early in the course. It is interesting that only 1 student in the CV/1 group was undecided about an initial preferred career. It might appear that students who know what they want as a career, want to get on with the course and expect more of an instructor? This is upon reflection not a clear element in the findings as there were only three such students in two other groups (5 in the remaining group). The reasons for problems in the CV/1 group are more likely to be found elsewhere, although it is to be noted that this group does not have the lowest mean motivation. (Vide paras. 7.7.1, 8.7.1 and 8.7.3)

Students are generally satisfied with the employment that they have arranged and those who do not have their preferred employment appear to be generally contented with the prospect of attaining this.

Students appear to prefer a career in litigation as this was chosen (solely or jointly) in 37 responses. Commercial work is also strongly favoured, but generally not on its own. A particularly small number chose property (5) and, importantly, only one student chose it singly. Perhaps this is an aspect that also ought to be looked at further to try and ascertain the reasons behind the different choices.

Many more students saw themselves as competent in an area after completing a current matter (31) compared with the number before (6). It is noteworthy that only two students still saw themselves as incompetent. There is some evidence of over confidence in the students before completing a current matter. There is no clear evidence that experience in the type of work conducted in the current matter affects motivation. (Vide Para.7.9)

9.5. Students and Experiential Learning

Upon the basis that the environment within the group room is affected to a very substantial extent by the experiential learning nature of the course, it is of interest to ascertain that all but two students in the sample saw themselves as "working well". When asked directly about the environment the vast majority saw it as effective and only 7 students saw it as ineffective (4 of these within one group). It would be difficult on the above basis to assert that the experiential teaching/learning method is not accepted by the students at least in the above respects. Here again it is relevant to note that only four students preferred another method of teaching/learning. (Vide Para. 8.2.- Q 21) The 15 students who wanted improvements were strongly in favour of what they saw as being more effective experiential training e.g. outside visits etc. Only one student wanted lectures and notes with tutorials. The lower test increase scores for three of the groups appear to contrast with the above responses.

During the numerous periods of observation of the students in their group rooms, it was obvious how well the students related to one another and this researcher's records are full of notes on learning exchanges between the students themselves or the students and their instructor. Based upon observations, the whole experiential learning process appeared to be quite dynamic to a greater or lesser degree depending on the group. Whilst this was the case, nevertheless, little effective reflection appeared to be taking place as regards a completed current matter. There was no provision for structured debriefing to take place. As discussed in the latter part of Para.2.3, reflection is an important aspect of experiential learning. To the extent that this is absent in the course under study is a serious omission. This could be overcome by conducting sessions at which students would be given the opportunity to discuss and internalise their learning, by reflection. Alternatively they could keep a journal as is already a feature in other courses conducted in Teacher Education at Macquarie University, Sydney. The function of the journal would be to cause the students to report on their reflections in a structured manner.

In relation to the simulation aspect of the experiential learning, the great majority of the students (33) were relating well to the simulated current matters as a method of experiencing the real occurance. It is of particular note that in the RE/1 group with the dedicated instructor (Vide Para.8.7.5) only one student responded negatively. Based on the responses to Q 18 there is an indication that prior experience is not a bar to relating well to simulated current matters. Students who have no legal experience can still relate well. The student comments do point to the difficulties and limitations of simulation. Perhaps more effort should be made to indicate to the students that whilst experiential learning methods are being adopted for the current matters, these cannot totally simulate the reality. The current matters should be accepted as a learning methodology rather than as being a true mirror of the reality. Practice cannot be truly measured from the experiences at the College and students may be more accepting, if this is made clear to them and that the College is using simulation for teaching/learning processes only.

In contrast to the group room and current matters, the court hearings do more effectively provide reality. In the court hearing the student wins or loses the case. The student is personally responsible for an oral presentation and the total argument is weighed and judgment given. There is embarassment to the student in front of others present in the court, should the student perform badly. The court hearings involve argument of disputed issues as to which a student can become emotionally involved. Each hearing involves the skills associated with advocacy and requires an added knowledge of the rules of evidence. Witnesses are examined and cross-examined. The arguments are presented in a simulated court room, to a Judge/Magistrate and a contest takes place with an opposing lawyer/advocate. All of this brings the court hearings to life and involves considerable accountability on the part of the student. This process provides most effective experiential learning. It is seemingly not possible to attain such reality and effectiveness with the conduct of current matters, which lack much of the above. Some attempts are being made at the College to provide some of the above advantages through oral presentation by students in senior partner conferences, where more difficult problems of law and practice are required to be resolved by an employee solicitor in the presence of the senior partner, another presenting employee and a "devil's advocate". The senior partner chooses the best solution to the problem.

The fact that a little less than half of the sample perceived the current matters as real and that 16 saw them as neither real nor unreal, possibly expresses the students attitude that simulation cannot be completely real, because of limitations on effectively simulating some important aspects such as interviews and the real consequences of making mistakes. To the extent that realness is an aspect of effective experiential learning, this result may be seen as a matter for some consideration, although it is to be noted that only 9 students saw them as unreal or very unreal. In two of the groups, they were conducting their first current matters and accordingly this may account to some extent for the nature of the responses, particularly when considered in conjunction with the fact that 18 students had no prior legal experience and 37 had no experience of substance in the type of matter.

For all that is said of current matters, it is important that the vast majority of the students were satisfied with them as the teaching/learning vehicle in the area. Of the 11 that were not satisfied only 4 suggest preferred methods. As pointed out earlier the current matter strategy receives strong approval in the like course in Melbourne (Shorten, 1988:181)

One aspect of this project that did not bear fruit, on further investigation, is the difference between the students who prefer the tasks of a current matter to those who prefer research. It was hoped that this question might separate the practical students who would prefer to get on with matter and with the conduct of busy practice, to those who prefer research who may be more suited to the bar or an academic career. It was thought that the latter group may well be dissatisfied with the task orientated nature of the College. This was not supported by the data. There is in fact some evidence to suggest that research orientated students learn more than those who are task orientated. This is difficult to reconcile with Kolb's findings on learning styles. One aspect of this course that is foreign to the spirit of experiential learning is the lack of opportunity for students to be part of the decision making process and the lack of any student electives within the course. They are not sufficiently responsible for the standard of their own learning. Possibly this is also borne out by the less favourable test results of the students in three of the groups. In the remaining RE/1 group it may be that the instructor made up for the lack of true responsibility on the part of the students.

9.6 Implications For Courses Adopting Experientiel Learning - Classroom Limitations.

It is difficult to argue that the theory of experiential learning does not provide the most appropriate form of learning for courses such as that under study. Based on

Kolb's cycle of learning (Vide.Para. 2.2) it is clear that experiential learning involves the familiar cognitive learning phase plus more. The learner must prove the cognitive learning by application of it. This, of its nature, takes the learning to a further stage, a stage involving the use of added senses in the affective or phychomoter domains (Vide.Para.2.1). It, in effect, proves the cognitive learning in effecting a practical result directly related to practice.

If there are to be problems associated with experiential learning, then, based upon this research project, problems will arise in the class room. Observations made by this researcher over a period of 14 years in teaching, by the particular experiential learning method adopted by the College of Law, supported by observations conducted and evidence provided as part of this project, identify the following limitations of the process in the classroom (Vide Para.1.3.1) -

(a) The great demands as to time and effort that implementation of the process can make of an instructor;

(b) The need, often, for such constant contact between students and instructor;

(c) The less effective assessment methods that it can tend to generate; (the completion of each step tends to be accepted as evidence of the necessary understanding)

(d) The distracting nature of the process, that often involves noisy exchanges and activity;

(e) The time taken up in conducting such a process; and

(f) In relation to the College of Law course in particular-

    (i) The limitations upon student freedom both as to selection of course content and in movement based upon the need to be present for long periods of each day;

    (ii) The alleged additional cost of conducting such a course, as compared with the lecture/ examination format; (This has not been established); and

    (iii) The volume of instructor and student materials necessary to conduct such a course that involves simulation of legal practice.

(g) The demotivation of staff caused by greater work demands compared with other lecturers and lesser remuneration when compared with those involved in the profession or calling.

In the College grouproom/classroom, as experiential learning is based often upon the experiences of the teacher, input is continually required of that teacher. This requires contact between the teacher and the student that is constant and involves detailed and individual instruction. If the learning is taking place at the instigation of and in the presence of the teacher, then as the tasks are seen to take place, this can tend to be relied upon as sufficient evidence of learning taking place. The test results in this research project indicate the inaccuracy of this premise as regards some students. It is particularly complicated to seek to grade continuous work within a current matter, because of the volume and differences in the nature of that work. Traditional assessment methods are often set aside. (Henry. 1989:43)

Students working together in a classroom, when no formal instruction is taking place and whilst they are experiencing the processes for themselves, can be particularly noisy and distracting. Some students find it difficult to work and learn in this environment.

It is stipulated, for the College of Law course, that students may be required to be present for at least five core hours a day and in addition whenever further required for programmed activities such as instruction or court appearance. These core hours and instruction can be required by individual instructors. Some students find this particularly limiting on their freedom. Notwithstanding some student freedom within the conduct of the current matter, they have little or no say as to course content, which is dictated by what is perceived to be the needs of a beginning practitioner. The epistemological autonomy and self-direction identified as central to experiential learning appear to be lacking. (Boud, 1989:43-44).

Cost comparisons have not been conducted, however, it does appear that such a course as that conducted at the College would be more costly than a lecture/examination type course. The course certainly does require great volumes of materials to simulate legal practice. These materials are of course in need of constant up-dating by instructors.

A number of the reservation's expressed above may be regarded by some as strengths rather than as weaknesses in the process as adopted by the College. Some of the above identified aspects of the method are developed further in this thesis.

The outstanding evidence of the successful aspects of experiential learning is to be found in the responses establishing that all but 2 students in the sample saw themselves as working well within the environment. The learning exchanges taking place between the students must also be seen as one of the strengths of this experiential learning course.

It becomes a matter of weighing the negative factors associated with application of the theory, as against the theory itself. The results of this project, that show what might be regarded overall as less than favourable increases in learning, notwithstanding the general acceptance by the students of the method of learning, indicate a gap between the theory and the practice in this course. There are, however, other factors that could account for this difference, such as instructor effects, assessment methods, and the positioning of the course at the end of a substantial period of years involved by the students in tertiary education. The course under study is conducted by simulation and this also is an aspect of the learning to be taken into account in this respect.

An interesting comparison can be made between the method of training, which has been adopted at the College of Law in England - (visited by the writer in 1981) - with that adopted at the College of Law in Sydney. In England, far more reliance has been placed on the socratic method supported by challenging examinations. (Brindley, 1985:91). This may provide solicitors with a greater appreciation and knowledge of the law related to practice, but does not appear to directly prepare them for the experience of practice as is done in the Sydney course. The College of Law in Sydney, as evidenced in this study, serves the latter need, probably at the expense of the former. In the Sydney course the university is looked to largely for the general substantive/academic learning in the law.

The above comparison and the limitations associated with the experiential method as evidenced in this study, should provide some imputus for consideration by educators in law and outside, as to which method provides the greater educational value, when considering the needs of the profession. Is it more important that the beginning practitioner knows the Conveyancing Act and its ramifications for practice, better, or that such practitioner can actually conduct the mechanics of the matter with an associated insight into the practical problems. This researcher's experience of practice would indicate that the large legal firms may prefer the former, whereas the middle to small legal firms may prefer the latter. Experiential learning tends to serve the latter, but does provide in the subject course, an overall experience of general practice.

The above are matters for consideration by educators wherever they may be and particularly those involved in education in the professions. A basic philosophy needs to be determined for each course.

9.7 Research Problems

One particular matter that should be mentioned, in addition to those aspects already covered, relates to the size of the sample as against the number of questions asked of each student. It must be accepted that a large number of questions have been asked relative to the size of the sample. It would of course be considerably better if each question could have been asked based on separate data.

A matter that might have been the subject of investigation in this project, is the effect upon a course of the sameness of the experiential learning method adopted throughout. It may be that the sameness of the current matter process used throughout the course has negative effects upon the students, particularly when the process relies so heavily upon simulation. It may be that more varied processes, experiential and otherwise, may provide more stimulus for the students.

The considerable differences between groups and the differences between current matters are also a problem, but this is unavoidable in a naturalistic research project such as this.

It is submitted that the cross checking by means of triangulation has provided more reliable results than might otherwise have been possible and that stronger evidence will build by replication of at least some aspects of this research project.

There are, seemingly, always going to be problems with holistic research of this nature, particularly when no attempt is made to limit variables or to interfere with the natural process as found in a complex setting.

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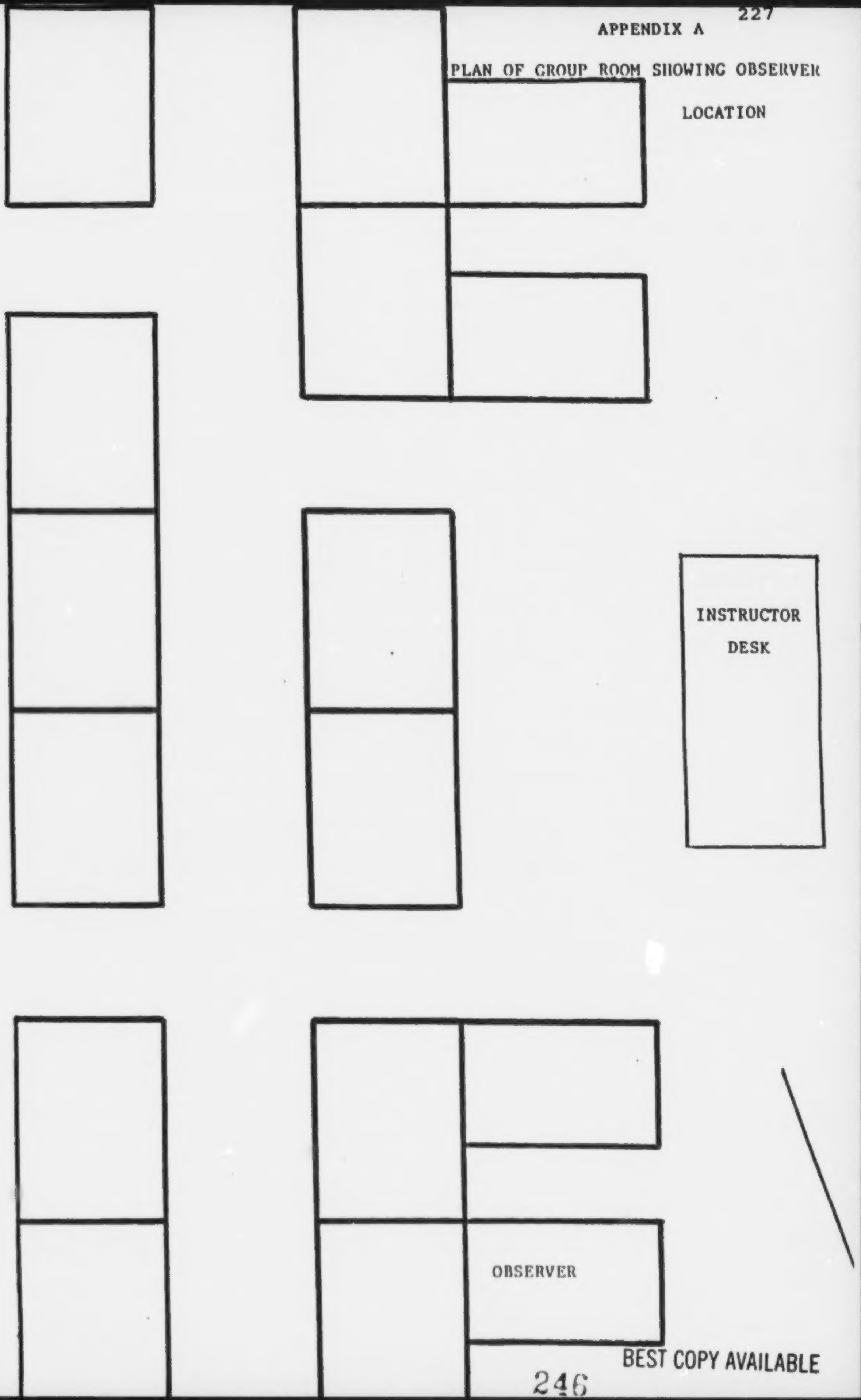
APPENDIX A

PLAN OF GROUP ROOM SHOWING OBSERVER LOCATION


INSTRUCTOR DESK
OBSERVER

BEST COPY AVAILABLE

APPENDIX B

POINTS TO MAKE ON INTRODUCTION - RESEARCH PROJECT.

Introduce and describe self e.g. Years at College, Children (ages etc) Solicitor for 30 years and can be trusted. Do not breach confidences and have not for that 30 years. Students will be professionals and as such should be prepared to give some of their time for the benefit of the public and the law without pecuniary reward. Here is an opportunity to start this.

1. This research is a first at C.O.L.
2. Research needed to understand the effectiveness of C.O.L.method.
3. Anonymity - Name becomes a code. No logic to coding.
4. May correlate findings with entry particulars e.t. sex, prior work experience in general terms, institution, results etc.
5. Records for research only and not for assessment.
6. Questionnaire at end of CMs and interview.
7. Short pre-test and post-test. Not recorded for the course.
8. All can fail without any consequences. All may fail pre-test as basic as it is.
9. Will not tape anything - Will sit in. Please ignore me and act normally.
10. Will not report copying.
11. What is most important is the reliability of my research and that students are honest in the questionnaire and interview and do their best with the basic test even though it has no consequences in the course.
12. Each student should be involved something like 2-3 hours in all. Depends on person.
13. Students reward will be that they will be involved in the first research project at C.O.L. which will be reported in the Journal of Professional Legal Education.
14. Unable to talk to students or I interfere with the group process i.e. except pleasantries on entry and leaving and direct questions asked of students and relating to the research. These would be few, if any.

   [Whilst the above indicates the content of the introductory talk with the students, it was not strictly followed in the interests of a more relaxed introduction. The list does indicate the nature of the matters covered in the talk. The comment indicated in 12 above was altered after the first session to indicate that the time involved may be less.]

APPENDIX C

COLLEGE OF LAW

STUDENT ENTRY PROFILE--

Name:

Code:

Suburb (Permanent address)(S) :

Birth Date (BD) :

M **F**

Graduating Institution (GI)

SU	☐	IT	☐	ANU	☐
NSWU	☐	SAB	☐	othr	☐
MU	☐	BAB	☐		

Academic Attainment (AT)

HD ☐

D ☐

C ☐

P ☐

Subjects (SJ)

Prior Work Experience (PW)

Legal (L)

Non-Legal (NL)

Comments:

APPENDIX D

APPLICATION FOR ADMISSION TO COURSE

RECEIVED
11 AUG 1986
THE COLLEGE OF LAW

The College of Law
P.O. Box 2
St. Leonards NSW 2065

Please attach photograph here

APPLICATION FOR ADMISSION TO PRACTICAL LEGAL TRAINING COURSE
(Please read conditions of application on reverse before completing this form).

Please tick one course only

☐ 871 January full time course (deadline 1 September 1986)
☑ 872 July full time course (deadline 2 March 1987)

1. Personal details (please print)

Name: ______ SURNAME ______ FIRST NAME ______ MIDDLE NAME

Permanent address: ______ NO ______ STREET ______ SUBURB ______ STATE ______ AREA CODE

Telephone: ______ HOME ______ BUSINESS

Date of Birth: ______

2. Academic Qualifications

NAME OF GRADUATING INSTITUTION	TYPE OF DEGREE	DATE COMPLETED OR FINAL EXAMINATION DATE
UNIVERSITY OF SYDNEY	BACHELOR OF ARTS	1980
DITTO	BACHELOR OF LAWS	NOVEMBER 1986

LIST ALL LEGAL SUBJECTS COMPLETED OR TO BE COMPLETED FOR LAW DEGREE	GRADE	YEAR
CONTRACTS	CREDIT	1982
TORTS	PASS	"
COMMERCIAL LAW	PASS	1983
CRIMINAL LAW	PASS	"
PRINCIPLES OF CONSTITUTIONAL LAW	CREDIT	"
ADMINISTRATIVE LAW	CREDIT	1984
LAND LAW	DISTINCTIO	"
LAND REGISTRATION	H.D.	"
SUCCESSION AND LEGAL INTERPRETATION	DISTINCTION	"
BUSINESS ASSOCIATIONS	CREDIT	1985
EVIDENCE	DISTINCTION	"
INDUSTRIAL AND INTELLECTUAL PROPERTY	CREDIT	"
TRUSTS	DISTINCTION	"
PRACTICE AND PROCEDURE	H.D.	1986
RESTRICTIVE PRACTICES LAW	PASS	"
EQUITY	–	"
COMMONWEALTH CONSTITUTIONAL LAW	–	"
TAXATION	–	"

FT-0531b/27

LEGAL SUBJECTS COMPLETED OR TO BE COMPLETED FOR LAW DEGREE (-Cont...)	GRADE	YEAR

3. Employment Give details of previous employment legal or otherwise starting with latest position.

DATE	EMPLOYER	ADDRESS	JOB TITLE
PRESENT	DEPT. OF MINES	SYDNEY	ADVOCATE
1982-85	LOCAL COURTS	"	CLERK
1976-82	VARIOUS	VARIOUS	VARIOUS

4. Conditions of Application

The College of Law is at liberty to procure details of my academic record in law from the university or other teaching institution concerned. I understand that this does not relieve me from the responsibility of providing an original documentary transcript of my academic qualifications in law as and when required by the College.

I accept that pursuant to the affiliation of the College of Law with Kuring-gai College of Advanced Education I will be enrolled in the School of Practical Legal Training of Kuring-gai CAE.

I understand that receipt of my admission is conditional upon my confirming at a later date my intention to attend the College.

I hereby undertake to comply with the rules and regulations relating to the College as prescribed from time to time.

I accept that the onus is on me to advise you of any change of address.

I hereby apply for enrolment in the College of Law Practical Legal Training Full Time Course.

Date:__________ Signature:______________________________

OFFICE USE ONLY

DATE RECEIVED	CHECKED	ACADEMIC QUALIFICATIONS VERIFIED	APPLICATION COMPLETED
11/8/86	E.P.	—	

Comments:______________________________

FT-05316/37

APPENDIX E
RESEARCH PROPERTY TEST.

CLOSED BOOK

ROOM:_____

CODE:_____

Note : In the interests of accuracy, please do not guess at any answer. Only reply when you are reasonably sure of your answer. If unsure please leave blank.

Facts:

Where necessary deem that the following questions relate to the sale or purchase of mortgaged land held under the Real Property Act and upon which is erected a free standing suburban residence located in the Metropolitan Area. The residence is in the sole occupation of the Vendors' family.

1. What item can I get from the discharging mortgagee (assuming that I do not already hold a copy), that may likely be required by the purchasers' solicitor to check through before exchange of contracts?

2. Describe the following using a short sentence for each:

   (a) A sec.149 Certificate:

   (b) A sec.160 Certificate:

   (c) A sec.101 Certificate:

   (d) A Building Certificate:

3(a) Set out a reason why a solicitor acting for purchasers might be hesitant in applying for a Building Certificate in respect of a residence (as opposed to part of a residence), notwithstanding the protection the certificate affords.

(b) At what stage in the transaction should this certificate usually be applied for?

4. What items must the vendors' solicitor annex to the contract pursuant to Sec.52A of the Conveyancing Act, to ensure that the purchasers' cannot rescind the contract?

5. What is the time limit for raising requisitions as provided in the standard Contract for Sale?

6. At what stage does the risk pass to the purchasers for insurance purposes?

7. Describe generally in a sentence or two for each, to what do the following clauses of the above Contract for Sale relate?

    (a) Clause 11:

    (b) Clause 12:

    (c) Clause 13:

8. What matter(s) does each of the following schedules to the standard Contract for Sale refer -
[Please provide only one general descriptive statement for each]

(a) The First Schedule -

(b) The Second Schedule -

(c) The Fourth Schedule -

9. What is the contractual effect of disclosing the vendors' survey certificate in the second schedule of the above contract?

10. Can a Contract for Sale of real estate usually be lodged for stamping on an "Urgent" Stamp Duty form?

11. What financial items would usually require adjustment in the settlement statement?

12. In relation to the discharge of mortgage (disregarding the solicitor's legal costs) an allowance is regularly made on settlement as part of the adjustments between the parties.

Please specify - (a) The amount allowed:

(b) By whom allowed:

(c) For what purpose allowed:

13. Assuming that the Contract for Sale has been duly stamped by the Commissioner for Stamp Duties, can a pre-stamped transfer which has been correctly completed without error and which is fully and duly executed, be lodged for registration, without further action on the part of the Stamp Duties Office.? **Explain -**

14(a) In preparing a Memorandum of Transfer what precise particulars are now required by that document to be completed in respect of the following?

(i) The Vendor -

(ii) The Purchaser -

(iii) The encumbrances or notifications -

(b) Where conveniently would you usually find these requirements?

15. Set out below six of the important matters of which you would inform your purchaser clients in your pre-settlement letter.

16. What item is the vendors' Solicitor usually required to hand over to the purchasers' solicitor on settlement directly in relation to the payment of the purchase money?

17. What item does the purchasers' solicitor usually hand over to the vendors' solicitor on settlement pursuant to the contract and in relation to the deposit?

18. On what items will the vendors' solicitor charge lump sum scale costs pursuant to the Conveyancing Scale?

19. To whom do both the vendors' and the purchasers' solicitors forward notices of sale?

APPENDIX F

RESEARCH - LITIGATION TEST

CLOSED BOOK

The following questions all relate to an action for damages to a motor vehicle, taken in a Local Court and resulting in an arbitration.

Note : In the interests of accuracy, please do not guess at any answer. Only reply when you are reasonably sure of your answer. If unsure please leave blank.

1. What matters should be referred to in and enclosed with a 'Letter of Demand'?

2. What information is contained in a certificate obtained from the Department of Motor Transport pursuant to Sec.12 of the Motor Traffic Act, 1909?

3. When in particular would you use a Plaint and Special Summons and why?

4. On whom and by what manner must service be effected of a summons issued by the Local Court, in order to comply with the Local Courts (Civil Claims) Act & Rules? Please describe fully each method known to you.

5. Does a defence to a default summons in the Local Court require to be verified as being true by an affidavit of the defendant? Please encircle the correct response.

YES/NO

6. What is a set-off?

7. Assume that on behalf of the defendant you intend to serve a 'Notice to Admit Facts' that you have prepared for the plaintiff. Are you required to file this in the Court first? Please encircle the correct response.

YES/NO

8. When a subpoena is served on a proposed witness -

   (a) What must be tendered at this time?

   (b) For what purpose is it tendered?

9. What are the procedures available to enforce an arbitration award in such a Local Court action? The name only of each procedure is required.

10. In what circumstances is an award by an arbitrator final and what procedures are available and within what time, for rehearing a claim?

11. Name five matters that need to be proven by the plaintiff or which may be tested by the defendant in typical motor vehicle damage cases?

12. Assuming that a Plaint and Special Summons has been filed -
(a) What time must elapse and from when, in order to enter an order for judgment? - (b) What documents are filed to obtain this order?

APPENDIX G

RE/1

INDIVIDUAL TEST RESULTS

Note: In each column opposite the student number is shown the number of questions answered correctly with the percentage in brackets. The mean percentage is shown in brackets in the bottom row.

Student	Pre-Test	Post-Test	Gain Score
1	6 (31.6)	15.5 (81.6)	9.5 (50)
2	.5 (2.6)	15 (78.9)	14.5 (76.3)
3	12 (63.2)	15 (78.9)	3 (15.8)
4	2.5 (13.2)	12.5 (65.8)	10 (52.6)
5	1 (5.3)	15.5 (81.6)	14.5 (76.3)
6	1.5 (7.9)	14.5 (76.3)	13 (68.4)
7	1 (5.3)	15.5 (81.6)	14.5 (76.3)
8	2 (10.5)	14.5 (76.3)	12.5 (65.8)
9	1.5 (7.9)	14.5 (76.3)	13 (68.4)
10	2 (10.5)	13.5 (71.1)	11.5 (60.5)
11	.5 (2.6)	17 (89.5)	16.5 (86.8)
12	1 (5.3)	11 (57.9)	10 (52.6)
13	0 (0)	10 (52.6)	10 (52.6)
Totals	31.5 (12.8)	184 (74.5)	152.5 (61.7)
			13 x 19 = 247 possible correct answers

RE/2

Student	Pre-Test	Post-Test	Gain Score
14	1.5 (7.9)	11 (57.9)	9.5 (50)
15	0 (0)	9 (47.4)	9 (47.4)
16	1 (5.3)	11.5 (60.5)	10.5 (55.3)
17	2.5 (13.2)	7 (36.8)	4.5 (23.7)
18	1 (5.3)	10 (52.6)	9 (47.4)
19	7.5 (39.5)	13.5 (71.1)	6 (31.6)
20	2.5 (13.2)	14 (73.7)	11.5 (60.5)
21	12.5 (65.8)	16.5 (86.8)	4 (21.1)
22	.5 (2.6)	9.5 (50)	9 (47.4)
23	Excluded		
24	0 (0)	5.5 (28.9)	5.5 (28.9)
25	1.5 (7.9)	10.5 (55.3)	9 (47.4)
26	.5 (2.6)	9 (47.4)	8.5 (44.7)
27	5 (26.3)	10.5 (55.3)	5.5 (28.9)
Totals	36 (14.6)	137.5 (55.7)	101.5 (41)
			13 x 19 = 247 possible correct answers

CV/1

Student	Pre-Test	Post-Test	Gain Score
28	2.5 (20.8)	6.5 (54.2)	4. (33.3)
29	2. (16.7)	6.5 (54.2)	4.5 (37.5)
30	0 (0)	5. (41.7)	5 (41.7)
31	4.5 (37.5)	6. (50.)	1.5 (12.5)
32	1. (8.3)	5. (41.7)	4. (33.3)
33	1. (8.3)	6. (50.)	5. (41.7)
34	3. (25.)	5. (41.7)	2. (16.7)
35	3.5 (29.2)	6.5 (54.2)	3. (25.)
36	3. (25.)	3.5 (29.2)	.5 (4.2)
37	2 (16.7)	7.5 (62.5)	5.5 (45.8)
38	0. (0.)	2. (16.7)	2. (16.7)
39	7.5 (62.5)	8. (66.7)	.5 (4.2)
40	5. (41.7)	7.5 (62.5)	2.5 (20.8)
41	1.5 (12.5)	6. (50.)	4.5 (37.5)
42	4.5 (37.5)	8. (66.7)	3.5 (29.2)
Totals	41. (22.8)	89 (49.4)	48. (26.7)
			12 x 15 = 180 possible correct answers

CV/2

Student	Pre-Test	Post-Test	Gain Score
43	1.5 (12.5)	7. (58.3)	5.5 (45.8)
44	1. (8.3)	4.5 (37.5)	3.5 (29.2)
45	0 (0)	8.5 (70.8)	8.5 (70.8)
46	1. (8.3)	3.5 (29.2)	2.5 (20.8)
47	1. (8.3)	7.5 (62.5)	6.5 (54.2)
48	.5. (4.2)	5.5 (45.8)	5. (41.7)
49	Excluded		
50	2. (16.7)	7. (58.3)	5. (41.7)
51	1.5 (12.5)	7. (58.3)	5.5 (45.8)
52	3. (25.)	5. (41.7)	2. (16.7)
53	2. (16.7)	6. (50.)	4. (33.3)
54	Excluded		
55	0. (0.)	5.5 (45.8)	5.5 (45.8)
56	2.5 (20.8)	9. (75.)	6.5 (54.2)
Totals	16. (11.1)	76 (52.8)	60. (41.7)
			12 x 12 = 144 possible correct answers

APPENDIX H

COLLEGE OF LAW

QUESTIONNAIRE

ROOM:_______

CODE:_______

(You are assured of anonymity in the recording of the answers to the following questions. The answers are being obtained for research purposes only).

Please note: In the interests of an accurate research project please be completely honest in your answers. It would be better for you to inform the researcher that you would prefer not to complete this questionnaire, than to complete it inaccurately.

If you feel that any answer might need further explanation in the interests of accuracy, then please expand it.

Where a scale or Yes/No answer is provided please encircle the appropriate response. e.g. Yes / [✓ No.] OR ③

THE COURSE

1(a)- How did you perceive the College of Law course immediately before you commenced?

(b)- How would you rate your motivation towards the College of Law course at that stage?

Very High 5
High 4
Neither High nor Low 3
Low 2
Very Low 1

2(a)- How do you perceive the College of Law course now?

(b)- How would you rate your motivation towards the College of Law course now?

Very High 5
High 4
Neither High nor Low 3
Low 2
Very Low 1

3 - What do you see as the reasons for the above levels of motivation?

(a) Immediately before you commenced -

(b) Now -

(c) What change(s) have or might improve your motivation?

EMPLOYMENT

4 - What would you prefer from the following, as your initial career- (Please do not answer this question based upon your prospects, but rather according to your real wishes).

(a) To practice as a Solicitor in private practice within a reasonable period (2 years at most) of completing the College of Law course? YES/NO

(b) To apply for admission to the practising bar upon termination of the College of Law course; YES/NO

(c) To carry out legal work in one or more of the following areas upon termination of the College of Law course? -

(i) A government instrumentality YES/NO
Please describe -

(ii) An accounting firm YES/NO
(iii) A commercial enterprise YES/NO
(iv) Other YES/NO

(d) To work in an area outside legal work? YES/NO
(e) Undecided YES/NO

5 - Do you intend to apply for admission to the practicing bar within 5 years of concluding the College of Law course? YES/NO
Undecided ☐ Tick if Applicable

6 - Taking everything into consideration do you consider that you would/will like legal work? YES/NO
Explain -
Undecided ☐ Tick if Applicable

7 - Do you have the employment referred to in 4 above arranged? YES/NO
Please specify the nature thereof by indicating the paragraph (& sub-paragraph) from 4 above ☐

8 - If you answered "yes" to 7 -
How would you rate your satisfaction with your arranged employment?

Very Satisfied 5
Satisfied 4
Neither Satisfied Nor Dissatisfied 3
Dissatisfied 2
Very Dissatisfied 1

9 - If you answered "no" to 7 -
How would you regard your chances of gaining such employment within the next six months?

Very Good 5
Good 4
Fair 3
Poor 2
Very Poor 1

10- Please tick the category(ies) that best indicate(s) your preferred area(s) of legal work -

Probate (including Wills ☐
Property ☐
Commercial ☐
Litigation ☐
Undecided ☐

Note From the next question onwards (where indicated) please read each question as applying to Litigation or to Real Estate depending on the Current Matter that you have just completed.

11- Having just completed your initial real estate (litigation) current matters, how do you rate your competence in handling similar reasonably uncomplicated real estate (litigation) matters in practice?
Explain -

Very Competent 5
Competent 4
Neither Competent Nor Incompetent 3
Incompetent 2
Very Incompetent 1

12 -How would you have rated such competency immediately before you commenced these real estate (litigation) matters?
Explain -

Very Competent 5
Competent 4
Neither Competent Nor Incompetent 3
Incompetent 2
Very Incompetent 1

13 -Having completed your first real estate (litigation) current matters do you consider that in relation to legal practice you have from the College of Law course -

(a) Gained substantial knowledge in this area. YES/NO

(b) Substantially improved your skills in conducting such matters. YES/NO

14 -Have you had any experience of substance in the above type of real estate (litigation) matters outside the college? YES/NO
Please explain fully.

THE SYSTEM/METHOD

15- Do you consider that you are working well within the present group in your group room? YES/NO

16- How effective for you is the environment for learning the practice of the law within your present group room. (Please limit your consideration to activities within the group room).

Very Effective 5
Effective 4
Neither Effective Nor Ineffective 3
Ineffective 2
Very Ineffective 1

Please explain reason(s) for such rating -

Don't Know (tick if applicable) ☐

17- In the litigation current matters just completed do you consider that the inclusion of an arbitration significantly improved your motivation in carrying out these matters? YES/NO Undecided ☐

(Answer only if you are currently in the litigation section).

18- Do you find that you can relate well to simulated current matters as a method of experiencing the real occurance? YES/NO
Please explain -

19- How well do the real estate (litigation) simulated current matters in the College of Law course relate to reality as you perceive it?

Very Real 5
Real 4
Neither Real Nor Unreal 3
Unreal 2
Very Unreal 1

20- Are you satisfied with real estate (litigation) current matters as the teaching/learning vehicle for this area of the College of Law course? YES/NO

21- Do you have any other preferred method(s) for learning real estate (litigation) practice?
Explain?

22- Please indicate by a tick, which one of the following aspects of completing a current matter you like more than the other -

(a) Completing the tasks set in a current matter. ☐

(b) Researching and resolving the legal problems that arise. ☐

23- Are you satisfied with-

(a) The College of Law course? **Explain.**

(b) The College of Law generally? **Explain.**

24- What would you say of the relationship between your academic learning in the institution from which you received your qualification in law and practice as you have experienced it thus far in the College of Law course?

APPENDIX I

RE/1

Interview Questions.

1. Go through Questionnaire and Tests. Raise individual questions.

2.(1) What did you know about the College before you came?

3. (10) Why do you think that you prefer P/C - Litigation?

4. (11) Why did you not feel competent as per Q.11 (read it)?

5. (13) If you consider that your skills substantially improved, then why not your knowledge?

6. (11)(13) If skills improved in the C.M., why do you not feel competent in it?

7. (15)(16) What problems did you find with the group room environment?

8. (18) Why do you not like simulation.

9. (24) Did your academic training enable you to answer any of the test questions?

10. Did your instructor affect your motivation and if so, how?

11. How do you think the C.M. would work if contracted by leaving out steps, but providing a file containing that material?

12. In the post-test why do you think that you could not answer some of the questions?

13. Do you think that you learnt most from your I, other S's, P.Papers or S. set?

APPENDIX J

Summaries Of Student Responses To Selected Questions.

QUESTION 3 What do you see as the reasons for the above levels of motivation (b) - Now.

(All comments have been included due to difficulty in categorizing them. P = Positive response. N = Negative response. (-) = Not categorized.

RE/1 (P) 1 Because of group interaction. (In its context, appears to be intended positively).

(P) 2 Because of the effort rerquired, there is a slight feeling of satisfaction in working back over what has been achieved.

(P) 3 Group seem reasonable.

(P) 4 Still know little about it but believe instructors are genuine, very skilled and interested in students - they appear to have desire to impart their knowledge and are interested in individual students.

(P) 5 I want to learn what I can because I know I'll need it.

(P) 6 Interest in the subject. Eager to finish well. Understanding of importance of practical procedure in legal career. (Identical to 3 (a) answer).

(P) 7 A commitment to become a solicitor and (i) leave my current job where I am not happy, and (ii) to capitalize on the last 4½ years of arduous external study towards my law degree (identical to answer 3[a]).

(P) 8 There's a lot to learn at College.

(P) 9 Wish to learn how law operates - self improvement.

(N) 10 12 hour days for no money.

(N) 11 The first two weeks of college. That is the type of person I am, easily bored and maybe hypercritical.

(P) 12 High motivation as a result of amount of work needed to be done. Necessary to be motivated to do the work.

(N) 13 Conveyancing not very motivating. Also instructor.

RE/2 (P) 14 I know I can handle the work and am enjoying the social/sporting events - tip football - tennis.

15 -

(P) 16 Experience of the course. (Positive in its context)

(P) 17 Knowing that I must learn everything so I am prepared for the work force keeps me motivated.

(P) 18 Know the people more and feel more at home with the whole College procedure.

(N) 19 Work is easy and monotonous. Does not require high degree of concentrating.

(P) 20 I have enjoyed the opportunity to met other people during the course and to work closely with them.

(P) 21 To finish and become a solicitor. (Positive in its context)

(N) 22 Tediousness of work has made me somewhat indifferent. Practice courts at litigation were very good and good motivation factor.

23 Excluded as this is one of the students appearing in two groups.

(-) 24 Pre-employment concerns.

(P) 25 Much the same as for Q 3(a) - but I got very demotivated in the litigation phase. (Positive in its context)

(N) 26 As for answer to 3(a) and boredom.

(N) 27 Confirmed my worst fears.

CV/1 (-) 28 Being here every day and seeing what is expected.

(P) 29 See practical skills even more important than academic skills. (Identical to 3(a) answer)

(N) 30 Needed a career change but not happy about the prospect of five months without an income and being a student again. (Identical to 3(a) answer)

(N) 31 Probably worse than I first thought.

(N) 32 Is partly the nature of the material that needs to be taught, partly due to the disorganised teaching. (Negative in its context)

(N) 33 The amount of time wasted here.

(-) 34 I feel that if I have to be here, then I may as well learn as much as I can, so that I'll hopefully make less mistakes in practice. I'm finding what we're doing helpful, although not necessarily stimulating or enjoyable.

(N) 35 Because of general apathy shown by Instructor particularly lack of organisation.

(N) 36 General apathy.

(N) 37 No level of instructor quality.

(-) 38 My motivation has not changed that much. (Neutral in its context)

(N) 39 Because I have experience, sometimes I find it frustrating to wait for others who do not understand concepts that I find are second nature. At the same time this would also apply to me.

(N) 40 I was happy in the workforce getting "on the job" legal experience [as for 3(a) answer]. There seems to be a good deal of time wasted.

(N) 41 I consider that the course is flawed by the fact that the office environment cannot be artifically simulated as this institution attempts to do.

(N) 42 Poor instruction. Works okay. (Negative in its context)

CV/2 (N) 43 The work, particularly in Property and Commercial is extraordinarily tedious. The College is very regimented and students are treated like children.

(N) 44 Working five days a week 9 to 5 and getting no money for it - but for a little more experience which is practical.

(N) 45 Bored with routine. Fact that not paid. Able to "get away" with minimal effort.

(N) 46 Content of course. Insufficient for time spent on it.

(N) 47 My own experiences here have not changed my perceptions. You don't feel as if you are achieving anything.

(N) 48 Personal experience of what college is like. College provides Absolutely No Incentives to try hard to do well.

49 Excluded for same reason as 23

(N) 50 Some aspects of the course are poorly presented, together with inconsistent application of course guidelines.

(N) 51 Lack of a job so difficult to motivate with goal.

(N) 52 Treated like children, classroom/school attitude of instructors.

(N) 53 The fact you learn very little for the time and effort involved.

(-) 54 Excluded for same reason as 23.

(N) 55 After three months at the college, I have come to realize that a lot of the work is covered so quickly that there is little retention, also form filling in seems to me to be a useless exercise.

(N) 56 College is the most pedantic atmosphere I have ever experienced. No one is happy here. Students are open about their disillusionment with a legal working future since attending college etc.

Q.6. Taking everything into consideration do you consider that you would/will like legal work? Explain -

1. Have completed 5 years of legal work so I have an understanding of it. Law is not limiting.
2. I think the work will be varied, interesting and challenging.
3. -
4. I work in it now and like it.
5. I enjoyed studying law. It depends on what type of legal work.

6,7,8. -

9. Believe there is great pressure. Too much.
10. The tedium of filling in forms, chasing papers, worrying over details for little remuneration.

11,12,13. -

14. I think I will enjoy the challenge legal questions present. Not so sure about the hours required.

15. -

16. From my experience as a clerk in legal firms.

17. I've enjoyed it so far so I think I will continue to enjoy it.

18,19,20 -

21. I have had practical legal experience and will be employed in the same area.

22. -

23. Excluded as for Q 3 above.

24. Depends on employment.

25,26,27. -

28. Have had considerable exposure already and like my work.

29. Have been involved in legal work for past 2 years in a commercial enterprise.

30. -

31. It's boring and it's interesting.

32. Enjoy working with clients to solve their legal problems.

33,34. -

35. Yes. I've always found legal work to be mentally stimulating and challenging, as well as being useful to have a knowledge of the law in general.

36. I enjoy studying the law, it seems like an area where you meet intelligent people and have a fun time in general.

37. -

38. It will depend upon what sort of legal work I end up doing. I would like to do medico/legal work.

39. I stress, that when I say yes I do not mean that I would love going to work every day; for the legal profession is full of stress, headaches and problems. When I say yes I would rather be a solicitor than any other profession; unless it was a highly paid beach inspector on a tropical island.

40,41. -

42. Might bo too anxiety inducing.

43. -

44. Perhaps for a while until the novelty works off.

45. -

46. No sure whether I could take the amount of boredom indicated so far by my studies.

47. -

48. On the basis of the College of Law I doubt that I will like it. But I don't really think legal work will be as tiresome, petty and time wasting as the College of Law.

49. Excluded as for Q 3 above.

50,51.-

52. I tend to prefer the academic side of law - not the glorified clerkship that we are being trained at college. research as a barrister would fulfil this a little. Also, a masters degree may lead me into something more interesting.

53. Depends on what type of legal work. I like crime, tort, medical negligence and insurance.

54. Excluded as for Q 3 above.

55. -

56. I have been associated with legal work dating back to 1971.

Q.16 How effective for you is the environment for learning the practice of the law within your present group room. (Please limit your consideration to activities within the group room).

P = Positive response. N = Negative response. * = Co-operation within the group.

RE/1

*(P) 1 Non-competitive atmosphere leads to co-operation.

(P) 2 Can ask other students if unsure as to something.

* By doing so, can appreciate whether the problem lies with me or the subject matter being dealt with.

(P) 3 A good learning experience, but better if we actually did the work for people. See the results. Make believe. No feed-back from real people.

(P) 4 It has to be effective - it is the only learning environment available.

(N) 5 I would prefer less organisation and structure (as I said before). I tend to learn from talking to fellow students. There's not much opportunity to do that here.

*(P) 6 Very good group of people. Helpful, friendly and all with a sense of humour.

(P)(N)7 Effective rather than ineffective because the process does impart knowledge. Effective rather than very effective because the process must be pitched at the slowest in the group of 14, and some of the group don't appear to get on too well with the instructor - I can see faults on both sides in this respect.

(P) 8 The group appears to have no strongly incompatible members.

*(P) 9
- Like the interaction with others, others may have more experience and can learn from them.
- But for study, would prefer to be alone.
- Friendly environment.

(N) 10 I work better at home. Lighting, lack of air and constant distraction cause headaches.

- 11 Don't know.

(P) 12 Some draw backs in that instructor seems to be intolerant of many questions being asked. However, generally it is a good environment.

(N) 13 Group good. Physical. Environment indifferent. Instructor bad.

RE/2 (P) 14 The atmosphere is not a stressful one and everyone contributes the knowledge that they have. I don't feel the resent I felt last session (phase).

- 15 Don't know.

*(P) 16 Good co-operation between students. Learning by doing approach.

*(P) 17 We all get on very well and work well together.

*(P) 18 Good inter-group discussion - light atmosphere and not threatening.

(N) 19 I do not believe anyone really concentrates on the practice of law.

(N) 20 Whilst the lectures given and the practice papers contain considerable information, it is often difficult to work as well as possible in the group room.

(P) 21 I am achieving the goals set by the college. I am gaining knowledge/understanding of the work.

22 -

23 Excluded as for Q 3 above.

24 Don't know.

*(P) 25 Willingness of other students to share information. General spirit of co-operation.

(N) 26 Everyone seems to be very unmotivated.

(N) 27 Difficult to work with constant interruptions.

CV/1 *(P) 28 The group as a whole are compatible and we all help each other.

*(P) 29 All students have good relationship with group as whole. Group relies on each other for substantial part of learning.

(N) 30 The physical environment could hardly be worse. An ugly building, no window in the room, no pictures on the walls etc., bright fluorescent lighting - a NIGHTMARE.

31. -

(N) 32 I find the work environment depressing, especially the lack of windows. (Facilities are very good though) Sexism is often displayed by the tutor and he has made it impossible to object by reducing the issue to a joke. Constant absences by the tutor also makes working difficult. We either have nothing to do, or everything has to be done in a rush. Should tutors be able to run their practices while tutoring.

(N) 33 A lot of time is wasted.

*(P) 34 I enjoy the group of people and find it a relaxed yet helpful atmosphere.

*(P) 35 Having a good cohesive group encourages exchanges of ideas etc.

*(P) 36 Helpful people and a reasonably tolerant instructor.

(N) 37 Instructor poor. Class insubordinate.

(P) 38 I would say reasonably effective. Some areas are glossed over too quickly and not thoroughly explained.

*(P) 39 We all seem to mix well and all get along well. We all seem to help each other when someone has problems.

*(P) 40 Current environment allows for input from all students allowing for better general learning and understanding.

(N) 41 The present group room is comprised of people like myself who are largely dissatisfied with the course and have little or no motivation to learn or do the matters well.

(N) 42 Poorly organised. All things happen too slowly and although they seem structured in the materials do not get taught in that way.

CV/2 (N) 43 In the end it really comes down to copying.

*(P) 44 Good people working together.

45 Don't know.

*(P) 46 Good communication. Friendly and co-operative environment.

- 47 Don't know. What does "effective" mean? Is it relative to college or to reality? Initially did not think there was the co-operation in this group that was [illegible] in others. Some of the students know one another already.

48 -

49 Excluded as for Q 3 above.

(P) 50 There is an attempt to bridge law school and the real world. If you want to, you can learn.

(P) 51 The hands on approach is better for me personally because it forces me to think through the options that are available - I can see myself doing it in real life.

(N) 52 The main reason is because of the childlike 'set up' of the firm rooms. Classroom mentality of copying as much as you can to simply get the work done; and 'lets get out of here as soon as possible' is very negative to gearing enthusiasm and full capacity re working.

(N) 53 Artificiality; too much, too quick interspersed by too little, too slowly (boredom).

54 Excluded as for Q.3 above.

*(P) 55 Quiet enough to work, yet others willing to discuss with you; no major personality conflicts, as encountered in some previous groups.

*(P) 56 Working with a group saves a lot of time - gives opportunity to share ideas etc. to reach a solution (however this does depend largely on individual members of the group).

APPENDIX K

Table 1

Student Age Groups And Summary

AGE	23	24	25	26	27	28	29	30	31	34	35	38	40	44	45	55	Total
	9	17	8	2	2	2	2	2	1	2	1	1	1	1	1	1	53

	Size	Mean	StDev	Min	LQ	Median	UQ	Max
AGE	53	27.377	6.529	23	24	25	28	55

Table 2

Student Numbers According To Sex.

SEX	Female	Male	Total
	23	30	53

Table 3

Student Numbers According To Institution.

	ANU	BAB	IT	MU	NSW	Other	SAB	SU	Total
	4	1	3	10	14	2	6	13	53

SU = Sydney University (24.5% of sample)

NSW = New South Wales University (26.4% of sample)

MU = Macquarie University (18.9% of sample)

IT = University of Technology (5.7% of sample)

SAB = Solicitors Admission Board (see below under BAB)

BAB = Barristers Admission Board (taken with SAB together - 13.2% of sample)

ANU = Australian National University (7.5% of sample)

Other = (3.8% of sample)

(Statistics recorded by the college for the subject course show the percentage numbers for the total intake (285) coming from each institution are as follows: SU - 27.4, NSW - 20.7, MU - 17.9, IT - 6, SAB/BAB - 13.7, ANU - 7, and other - 4.2. Note that the College figures are inaccurate in that the numbers shown for each institution total 276, instead of 285.)

Table 4.

Academic Results In Law And Law Related Subjects.

* = No Such Award Received

HD

	1	2	3	*	Total
	4	2	1	46	53

D

	1	2	3	4	5	6	7	8	9	14	*	Total
	12	4	7	6	4	1	1	1	1	1	15	53

C

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	17	*	Total
	2	3	4	9	4	3	3	4	8	1	1	5	1	1	1	2	1	53

P

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	24	*	Total
	3	2	1	2	1	2	4	5	2	5	2	5	3	2	2	2	2	1	3	1	1	1	1	53

Table 5.

Academic Results Summary.

	Size	Mean	StDev	Min	LQ	Median	UQ	Max
HD	7	1.571	0.787	1	1	1	2.0	3
D	38	3.395	2.727	1	1	3	4.0	14
C	52	7.231	4.066	1	4	7	9.0	17
P	52	10.692	5.613	1	7	10	14.5	24

Table 6

Academic Qualifications.

ACADQUAL

	ARTS/LAW	COMM/LAW	ECON/LAW	Juris/LAW	LAW	SAB/BAB	Total
	33	6	3	1	5	5	53

Table 7.

Prior Legal Experience According To Institution.

INSTIT Prior_Leg	ANU	BAB	IT	MU	NSW	Other	SAB	SU	Total
2	1	-	-	3	3	-	-	3	10
3	-	-	3	1	1	1	4	1	11
4	1	-	-	-	-	-	-	2	3
5	1	-	-	2	1	-	-	1	5
10	1	1	-	3	8	1	1	3	18
14	-	-	-	1	-	-	-	-	1
15	-	-	-	-	-	-	-	1	1
25	-	-	-	-	1	-	-	1	2
34	-	-	-	-	-	-	1	-	1
35	-	-	-	-	-	-	-	1	1
Total	4	1	3	10	14	2	6	13	53

Table 8.

Prior Non-Legal Experience According To Institution.

INSTIT Prior_NON	ANU	BAB	IT	MU	NSW	Other	SAB	SU	Total
2	-	-	-	-	1	-	-	1	2
3	1	1	3	1	3	1	3	1	14
5	-	-	-	7	5	-	-	6	18
10	-	-	-	2	-	-	1	1	4
14	-	-	-	-	-	-	1	-	1
24	1	-	-	-	1	-	-	-	2
25	-	-	-	-	3	-	-	-	3
34	-	-	-	-	-	-	-	1	1
35	2	-	-	-	1	1	1	3	8
Total	4	1	3	10	14	2	6	13	53

pre-test result from the post-test result for each student, prior experience is excluded in determining the increase in learning, however, it must be noted that the higher the pre-test score the less is the potential for increase. By working on percentage results the differences in the number of questions in each test was accounted for.

The comparison between the two groups of results shows that there is clearly a significant difference between the two areas of work. The P value being less than .05 the hypothesis of equality of means is rejected. There is much less increase in learning taking place in the civil litigation matter than in the real estate matter. Whilst this is of interest in an illuminative evaluation as part only of the overall research process, it could not be relied upon without further research aimed specifically at this issue. The high standard of the result in the RE/1 group needs to be taken into account in interpreting the above difference.

One weakness, that will always be present, will be the problem of satisfying a critic that the two different tests covering different areas can be of a like standard. In addition whilst prior experience can be taken into account as indicated above, it may be that a student with prior experience has less to learn or may learn quicker because of the earlier experiential learning. Another significant problem is that the civil litigation matter is conducted over a period of 5 to 6 course days and the real estate matter over 9 or 9½ course days. More learning might reasonably be expected to take place over the longer period. Counter balancing this is the fact that the real estate test covered a wider area of learning and tested a matter which is considerably more complex.

By sitting in and observing the student as part of the illuminative evaluation, it was possible to see that the real estate students were considerably busier throughout the conduct of this matter, than were the civil litigation students. The students who increased by only 4.2% were in the CV/1 group and their results are significantly lower than that for any other students in that or other groups. The mean gain score for the CV/1 (See Appendix G) at 26.7% is considerably lower than that for the other three groups, but even if the two bad results are excluded, the mean for the remaining group of 13 students only becomes 30.1%. In observing this group it was noted that they were singularly more difficult for the instructor to control. The pre-test score for this group is higher than that for each of the other groups. It is to be noted that there is considerably more opportunity for growth in the CV/2 group than in CV/1 group, when pre-knowledge is excluded.